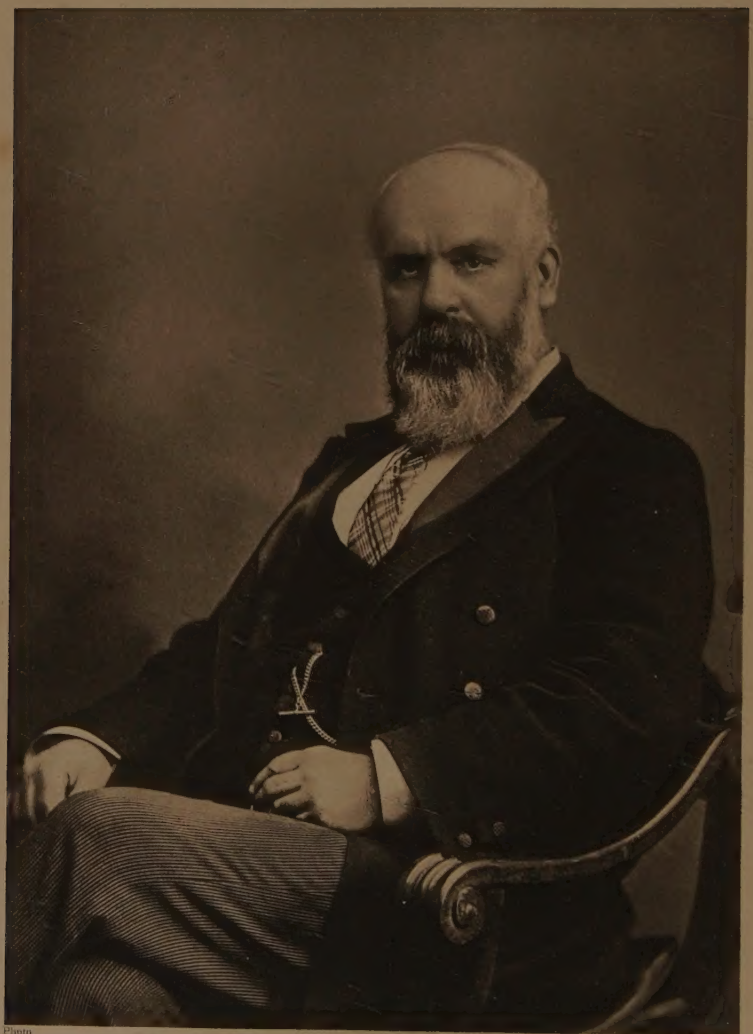
ENGLAND'S FIGHT WITH THE PAPACY



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Yours faithfully
Walter Wallace

ENGLAND'S FIGHT WITH THE PAPACY

A POLITICAL HISTORY

PUBLISHER'S COPY

BY

WALTER WALSH, F.R.HIST.S.

AUTHOR OF "THE SECRET HISTORY OF THE OXFORD MOVEMENT"
"THE JESUITS IN GREAT BRITAIN: AN HISTORICAL INQUIRY
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PREFACE

In the opinion of many, whose judgment I value, there is need for such a book as this. At first sight it seems strange that no other book exists which deals with the subject on anything like an adequate scale. And yet it will not be denied that it is a subject of national importance. Books almost without number have been written on the doctrinal conflict with Rome; but not one, so far as I am aware, which confines itself to the political conflict with the Papacy in this country during any lengthened period of time, and with sufficient fullness. Commencing with the Reign of William the Conqueror, I have recorded England's stern resistance to Papal extortions, and arrogant claims to temporal power, down to the birth of the Reformation. But few persons realise how widespread and stern that resistance was, as revealed in the documents I cite. That resistance was almost entirely political until the time of Wycliffe, but from that time onward there was added a stern opposition to many of the doctrines of the Church of Rome. With doctrinal questions, however, I have nothing to do in this book. The number of Acts of Parliament passed before the Reformation, limiting the political power of the Popes, will surprise some of my readers.

With the Reformation began a new phase of England's Fight with the Papacy. The most desperate and prolonged efforts were made by Rome to recover lost ground. Her chief reliance was not on controversial arguments, but on political weapons, as has been the case ever since. Her many plots and conspiracies, down to the flight of James II. in 1688, are here recorded. All the Penal Laws passed during that period are discussed in these pages,

and the causes which produced them are traced to their sources. In this portion of the book I have made use, so far as possible, of the wealth of material which has come to light during the past half-century. To a very large extent my authorities are Roman Catholic. In the section devoted to the Reign of Charles II., I have made use of my book, *The Jesuits in Great Britain*, but with omissions and additions. I do not, of course, justify all the Penal Laws which were passed; but, in justice to our forefathers, it must be pointed out that each Act was called for by some fresh aggression of Rome's agents in the political sphere. And all through the period between the Reign of Henry VIII. and the accession of James II., the Court of Rome never made a serious effort for conciliation; but, on the contrary, did everything in its power to exasperate the Government for the time being. If it takes two to make a quarrel, it takes two to make peace. Had the Vatican wished, it had many opportunities of lightening the burden of English Roman Catholics; but it refused them all. A modern Roman Catholic biographer of Edmund Campion, the Jesuit, forcibly remarks: "As affairs were managed, they rendered simply impossible the coexistence of the Government of Henry VIII. and Elizabeth with the obedience of their subjects to the supreme authority of the Pope; and those Princes had no choice but either to abdicate, with the hope of receiving back their Crowns, like King John, from the Papal Legate, or to hold their own in spite of the Popes, and in direct and avowed hostility to them."[1]

I have tried to write with moderation: it is for my readers to decide whether I have succeeded or not. I prefer strong facts to strong adjectives, though there are times when the latter are justifiable. Though I am a Protestant, not ashamed of my colours, I have not, I believe, written anything in these pages to which old-fashioned

[1] *Edmund Campion*, by Richard Simpson, p. 63, edition 1867.

Roman Catholics, of the Gallican School, would object. The Ultramontanes, who have become triumphant in the Church of Rome since the Vatican Council, will not agree with me at all, should they favour me by reading what I have written. Rome's political work in the British Dominions is not ended; England has another political fight with the Court of Rome before her. It is the dearest ambition of the Papacy to place another Roman Catholic King on the Throne of these Realms, and for this she is now working. Slowly, but surely, she is gaining political power out of all proportion to her numbers. Her object just now is to lull men to sleep; to persuade them that there is no danger. While John Bull sleeps she hopes, like Delilah with Samson, to shave off his locks, so that his strength may go from him, and then she can have her own way, and pull his Protestant house down over his head. What that way is likely to be may be seen by the history, recorded in these pages, of the Reign of James II., our last Roman Catholic King. His Reign is an object-lesson for all time.

WALTER WALSH.

A SAD interest attaches to this book, which is the last to come from the pen of its learned author. Shortly after completing the MS., and while the first few sheets were passing through the hands of the printers, its author was called Home to receive his reward. On February 25, 1912, Mr. Walter Walsh attended the morning service at St. Mary's Church, Spring Grove, Isleworth, and, shortly after taking his seat, peacefully passed away. During the last few days before his death, Mr. Walsh was engaged in the work of correcting the proofs, and he had commenced the compilation of the index. After he had passed away, the task of seeing his last book through the Press fell upon

his son, the writer of this note, who completed the revision of the proofs and prepared the index.

England's Fight with the Papacy is the result of many years of patient toil and research; and, although Mr. Walsh's pen has been laid aside, his works will still remain as a lasting memorial to one who faithfully and successfully exposed the errors of Romanism and valiantly upheld the banner of Protestant Truth.

ARTHUR WALSH.

March, 1912.

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It is quite a mistake to suppose that laws, limiting the free action of the Papacy in these Realms, were never made before the time of Henry VIII. This view of the question is, there is reason to fear, widely spread through the efforts of interested parties. On the contrary, opposition to Papal usurpations and encroachments can be traced in England back to the time when Pope Gregory sent Augustine to this country, at the close of the sixth century. At that early period the extreme political claims of the Church of Rome, as developed in the time of Pope Gregory VII., were unknown, and consequently resistance to them was necessarily unknown also. But from the end of the sixth century resistance to the spiritual claims of that communion may be said to have commenced. The Venerable Bede, himself a Roman Catholic, in his *Ecclesiastical History*, testifies to the opposition of the British Bishops (members of a Church which had never submitted to the Supremacy of the Pope) to the claims of Augustine, and, through him, of his master, the Pope. But when, as the centuries passed on, the Court of Rome sought to unlawfully

interfere with the temporalities of the Church, and the action of the State within its own domain, then those who acknowledged the Pope's Supremacy in the spiritual sphere alone, united in resisting his poaching on other people's preserves, which were not his property. And from the time of William the Conqueror down to the Reformation, English Roman Catholics, Kings, priests, and people, united from time to time (but with some intervals) in placing legal disabilities on the Papacy, many of them far more drastic than those which exist in this country at the commencement of the twentieth century. They understood Rome better then than many of our modern statesmen and politicians do now, and set necessary bounds on her arrogant pretensions.

The first instance of such resistance which I need to record occurred in the reign of William the Conqueror. This monarch appears to have been deeply attached to the Church of Rome in doctrinal matters, and is said to have attended Mass every day. But for all this he ruled the Church of England with an iron hand, appointing and deposing Bishops at his pleasure, disposing of the Church's property as he thought fit, and would not even allow the Archbishops of Canterbury to visit Rome without his consent. In all these things William acted independently of the Pope, and would not allow him to interfere with his liberty and rights as King. It is true that he collected Peter's Pence, and sent it yearly to Rome, but this he never intended as an acknowledgment of the Pope's claims to temporal power in his country. Subsequently King John, after he had surrendered his crown to the Pope, agreed to pay tribute in recognition of the feudal dependence of his Kingdom, but this, says the *Catholic Dictionary*, "was of course wholly distinct from the Peter's Pence." Originally Peter's Pence was given "not as a tribute to the Pope, but in sustentation of the English School or College" in Rome.[1] Pope Gregory VII., however, looked upon it as evidence of the subjection to him of England even in temporal matters, and as, at that time, the payment had been delayed, he sent a Legate named Hubert to England to demand from its

[1] Bowden's *Life and Pontificate of Gregory VII.*, vol. ii. p. 258, *note*.

King not merely the payment of arrears, but also an Oath of Fealty from him ! This arrogant claim was promptly and sternly rejected. After receiving the Legate, King William wrote to Gregory in these emphatic terms :—

" Thy Legate Hubert, Holy Father, hath called on me in thy name, to take the Oath of Fealty to thee and to thy successors, and to exert myself in enforcing the more regular payment of the duties, paid of old by my predecessors to the Church of Rome. The one request I have granted, the other I refused. *Homage to thee I have not chosen—I do not choose—to do. I owe it not on my own account ; nor do I find that it has been performed by those before me.* The money in question has, during the three years last past, while I was in France, been negligently levied. That which has been collected, Hubert will lay before thee ; and that which we have yet to collect shall be sent thee, at a convenient season, by the messengers of our trusty Archbishop Lanfranc." [1]

Although, as I have already stated, William acknowledged the authority of the Pope in deciding what a Christian should believe for his soul's salvation, yet he placed many barriers in the way of the exercise of his Supremacy in matters connected with the outward organisation of the Church. For instance, Eadmer says that William appointed to be observed the following points :—

" 1. He would not allow any one settled in all his dominion to acknowledge as Apostolic the Pontiff of the City of Rome, save at his own bidding, or by any means to receive any letter from him if it had not first been shown to himself.

" 2. The Primate also of his realm, I mean the Archbishop of Canterbury or Dorobernia, presiding over a general Council assembled of Bishops, he did not permit to ordain or forbid anything save what had first been ordained by himself as agreeable to his own will.

" 3. He would not suffer that any, even of his Bishops, should be allowed to implead publicly, or excommunicate, or constrain by any penalty of ecclesiastical rigour, any of

[1] Bowden's *Life and Pontificate of Gregory VII.*, vol. ii. p. 259.

his Barons or Ministers accused of incest, or adultery, or any capital crime, save by his command." [1]

In furtherance of what he believed, rightly or wrongly, to be amongst his rights as King, William the Conqueror placed under military rule all the Bishoprics and Abbacies which held Baronies. These had hitherto been free from secular authority, but about the year 1070 he ordered each of them to be prepared to supply a stated number of soldiers to aid him in times of war, together with horses, armour, and money. Those ecclesiastics who refused to submit to his Royal will in this respect he drove from the Kingdom.[2]

In the reign of William II., Archbishop Anselm wished to go to Rome to take the opinion of the Pope as to the state of England, and to receive Papal authority in dealing with several important subjects. But the King peremptorily forbade him to leave the country. He said to the Archbishop : "Since it is unheard of in the Kingdom, and altogether contrary to its customs that any of the nobility, and especially you, should proceed to Rome without the Royal consent, I offer you one of two alternatives. Either swear never to refer to the Papal Court for any cause whatsoever, or leave the Kingdom at once." But notwithstanding this prohibition Anselm went to Rome, and told the Pope that the English Bishops and their people were against his visit, and that they sided with the King in the dispute. "All," he said, "both the flock and the Bishops who had professed their obedience to me, endeavoured together to induce me to renounce my obedience to the Blessed Peter, lest I should violate the allegiance I owed to an earthly monarch." [3]

That the Popes in the exercise of their ecclesiastical patronage laboured under heavy disabilities in England before the Reformation cannot be doubted. For centuries this subject was a bone of contention between the Kings and Parliaments

[1] Gee and Hardy's *Documents Illustrative of English Church History*, p. 59.

[2] Roger of Wendover's *Flowers of History*, vol. i. p. 338; Holinshed's *Chronicles*, vol. ii. p. 12, edition 1807.

[3] Ingram's *England and Rome*, p. 31.

of England on the one side, and the Popes on the other, as may be proved by a reference to the various Statutes of Provisors and Præmunire, passed to limit the Papal claims. Those Statutes were absolutely necessary to suppress the scandalous extortions and financial greed of the Papacy. Our histories are filled with the bitter complaints on these points of Kings, Parliaments, and people. Fullwood says of ecclesiastical patronage in England: "This flower of the Crown was derived from our ancient English and British Kings to William the Conqueror, William Rufus, and Henry I., who enjoyed the right of placing in vacant Sees, by the tradition of a ring and a Crozier Staff, without further approbation, ordination, or confirmation from Rome, for the first eleven hundred years." [1] Dean Hook states that the first English Bishop who denied to the King the right of Investiture was Anselm. "Investiture," writes Hook, "in its first legal signification, denoted the transfer, from a superior to an inferior, of a fief; or, more generally speaking, of a property, a title, a power, a jurisdiction, through the presentation of certain symbols. The presentation of the symbols was the formal transfer of the beneficium, and an investment with it. A handful of turf or a stick was the sign of a transfer of lands; a sword, a banner, a glove became the sign of collation to a military benefice. When the Church was endowed by the munificence of Kings and nobles, her temporal possessions were regarded as benefices, and the Sovereign invested the ecclesiastic with his civil rights. He conferred the beneficium, through the symbols —to a Canon of a book, to an Abbot of a Pastoral Staff, to a Bishop of the staff and ring." [2] The new Papal law of Gregory VII. against Investiture by laymen had, at this period, only just come into operation. Its purpose was, says Hook, "to make the civil authority subordinate to the ecclesiastical. So long as the right of Investiture remained in the State, this was impossible. The superior gave what the inferior received. If the ecclesiastic received his benefice from the Crown, the Church was inferior to the State, and

[1] Fullwood's *Roma Ruit.*, edition 1847, p. 160.

[2] Hook's *Lives of the Archbishops of Canterbury*, vol. ii. p. 239.

the beneficed ecclesiastic owed allegiance to the Sovereign." [1] Anselm's conduct greatly surprised everybody in England. "Never before," says Hook, "had it been known in England, that the ring and Pastoral Staff had been bestowed by any one except the King. The King, a far-seeing politician, declared that to concede the right of Investiture would be tantamount to the concession of half his realm. If the precedent were established, that the right of property could be conferred by any one except the King, the Barons would become so many independent princes, and the whole feudal system would be at an end. The Barons, brought up under the feudal system, regarded Anselm's conduct as an insult offered by a vassal to his suzerain, which they were sworn to resent. The Bishops, and the clergy generally, of the Church of England, still acting in a noble spirit of independence, were so indignant at the demand that, rather than assent to it, they declared themselves prepared to pronounce sentence of banishment again on Anselm, and to break off all connexion with the Church of Rome." [2]

Eventually, after negotiations with the Pope, the dispute between the King and Anselm was settled by a compromise. The King consented to give up the ancient custom of investing by the bestowal of the Pastoral Staff and ring, on the ground that these symbolised the conferring of spiritual authority; but he insisted on the continuance of the Oath of Fealty, as an act of homage for the temporalities granted by the King. In this contest Rome gained one point, but she had to continue submitting to the other disabilities which had been imposed on her for many years.

Early in the twelfth century Pope Paschal II. complained bitterly that disabilities were placed on the exercise of his powers in the Kingdom of England. Writing to the King and the English Bishops he affirmed that :—

"From the Apostles St. Peter and St. Paul the custom has been handed down to us, that the more weighty affairs of the Church should be managed or reviewed by our See. But you, in despite of this long-established custom, settle among your-

[1] Hook's *Lives of the Archbishops of Canterbury*, vol. ii. p. 241.
[2] *Ibid.*, pp. 238, 239.

selves the business relating to Bishops, without even consulting us, notwithstanding that Victor, Pope and Martyr, declared that, though provincial Bishops might examine an accusation against one of their order, they were not allowed to come to a decision without application to the Bishop of Rome. Zepherinus, also Pope and Martyr, says the trial of Bishops and other affairs of great consequence ought to be decided by the Papal Court. You will not allow the oppressed to make their appeal to the Apostolic See, though it has been decreed by the holy Fathers in Council, that all persons aggrieved should have the privilege of appealing to the Papal Court. You venture, without our knowledge, to celebrate Councils and Synods, though Athanasius told the Church at Alexandria that in the great Council of 318 Bishops at Nice, it was unanimously decided that no Councils ought to be held without the knowledge of the Bishop of Rome. You see, therefore, that you have encroached greatly on the authority of the Papal See, and lessened its dignity. You even presume, without our sanction and knowledge, to make translations of Bishops, an unwarrantable liberty, as such affairs ought not to be attempted except by our authority." [1]

The Papacy at this period claimed the right of sending her Legates and Nuncios into every professedly Christian land. In this twentieth century, Pope Pius X. was allowed to send Cardinal Vanutelli to England, as Legate during the sitting of the Eucharistic Congress, in 1908, and that without asking permission from the King or Government. But even in the Dark Ages, Roman Catholic Englishmen were wiser in their day and generation. No law or custom of England was then ever more strictly observed than that which prevented any Papal Legate being received into the Kingdom until he had first obtained the permission of the King, and taken an oath not to attempt anything against the Royal will. Many times Legates have been refused admission. In the year 1101, Pope Paschal II. sent Guido, Archbishop of Vienne (afterwards Pope Calixtus II.), to England as his Legate, without asking the consent of the King. The whole nation was amazed at his audacity, as a thing unheard of hitherto, with the result that the unfortunate Archbishop had to return to the Pope without

[1] Ingram's *England and Rome*, pp. 61, 62.

having exercised any of his legatine functions, for not an Englishman could be found who would recognise him as Legate.

In the year 1116, the Pope selected Abbot Anselm, nephew of Archbishop Anselm, and sent him as his Legate to England. His appointment created no slight commotion in England. The King refused him permission to enter the country, and the English Bishops, who met specially to consider the matter, unanimously declared that the office of a Legate was contrary to the privileges of the Church of England. Anselm, therefore, was unable to exercise the office of Legate in England. The year before Anselm was nominated as Legate, Pope Paschal II. wrote to the King of England: "We are astonished and grieved that so little regard is paid to St. Peter in your dominions. For neither Nuncios nor letters of the Apostolic See can make their way into your Kingdom, or receive any countenance there, without the consent of your Majesty."

Again, in 1121, one Peter, a noble Roman, was sent as Papal Legate to England. On his way thither he called on the King, who was at that time in Normandy, and asked his permission to enter his Kingdom. He was allowed to do so, but when he attempted to exercise his legatine functions, he was emphatically told by the King that this could not be allowed without the consent of the Bishops, Nobles, and the Parliament. The King further informed him that he felt unable to give up any one of the privileges of the Kingdom, and that one of the greatest of these was that England should be free from the authority of a Papal Legate. It would have been well for the peace of the country, if the successors of Henry I. had followed his example in this respect.

Pope Honorious II. sent, in the year 1124, John de Crema as his Legate to England. More fortunate than his predecessors, he was allowed not only to enter the country, but to hold a Council at Westminster. But, as related by Gervase of Canterbury (who died A.D. 1205), he received a severe rebuff, and ended his days in England in disgrace. Gervase writes:—

"At this time there came into England a certain Legate named John, who was too pompously received by William, Archbishop of Canterbury, and Thurstan, Archbishop of York, and the Bishops of England. Having gone through the whole of England, this Legate presently held a Council at Westminster, and put the whole country in no small state of indignation. For there you might have seen a sight hitherto unknown in the realm of England—a clerk who had attained no higher dignity than that of the priesthood, seated aloft on a throne, and presiding over the whole assembly who had flocked thither, over Archbishops, Bishops, Abbots, and the whole of the nobility of the Kingdom; while they, occupying a lower position, composed their countenances and bridled their lips, like men dependent upon his nod. Upon Easter Day (which was the day on which he first landed in England) he celebrated the office of that festival in the Mother Church, instead of the Archbishop, sitting aloft on an elevated throne, and using the insignia of an Archbishop, although he was no Bishop, but simply a Priest Cardinal. This occurrence deeply wounded and scandalised the minds of many persons, and clearly indicates not only the novelty of the occurrence, but also how much the liberty of the realm of England was now violated. *For it is a thing most notorious to all men within the entire Kingdom of England*, and to all the neighbouring regions, *that from the time of Augustine, that most holy man, who was the first Metropolitan of Canterbury, until this William* [then Archbishop of Canterbury], all Augustine's successors were Monks, and were styled and considered Primates and Patriarchs; *nor were they at any time in subjection to the Roman Legate.*" [1]

[1] Gervase's *History of the Archbishops of Canterbury*. Church Historians of England Series, 1858, vol. v. part i. p. 322.

CHAPTER II

HENRY II.—JOHN

England the First Nation to resist Papal Extortions—Henry II. and Thomas a'Becket—Henry II. brings Clerical Criminals under State Control—One Hundred Murders by English Clergy—William of Newburgh on the Criminal Priests—Henry II.'s Speech on the Crimes of the Clergy—Becket resists the King's Reasonable Demands—The Five Articles—The Constitutions of Clarendon—Phillimore on Appeals to the Pope—Henry II.'s anti-Papal Orders—The *Catholic Dictionary* on Clerical Immunity from Lay Jurisdiction—England a Gold Mine for the Pope—Cardinal Vivian sent as Papal Legate to Scotland—A Papal Legate to England extorts vast sums of Money—King John and his Subjects—John threatens to put out the eyes of the Clergy and slit their noses—Innocent III. places England under an Interdict—Pandulph sent as Papal Legate—His Insolent Speeches to the King—John Surrenders his Kingdoms to the Pope—His Charter of Submission to the Pope—John's Oath of Fealty to the Pope—The Pope's Conditions for Removing the Interdict.

ENGLAND was, says Bishop Creighton, the first country which showed a spirit of resistance to Papal extortion. The alliance of the Papacy with John and with Henry III. had awakened a feeling of political antagonism amongst the Barons, when they found the Pope supporting Royal misgovernment. Under Edward I., successor to Henry III., the nation and the King were at one, and the claims of Boniface VIII. were met by a dignified assertion of national rights.[1] But, as Hallam points out, the first English Sovereign who appeared openly against Papal tyranny was Henry II., and he also asserts that England was the first nation which, in the Middle Ages, was engaged in resistance to Papal despotism.[2] Every act of resistance, whether undertaken by the State, by sections of the clergy, or by private persons, was in reality an attempt to impose disabilities on the Papacy.

[1] Creighton's *History of the Papacy*, vol. i. p. 53, edition 1901.
[2] Hallam's *Middle Ages*, vol. ii. pp. 222, 250, eleventh edition.

Henry's chief resistance to Papal claims was connected with his famous controversy with Thomas a'Becket, Archbishop of Canterbury. It would be impossible in these pages to find sufficient space to give my readers anything like an adequate history of that celebrated dispute ending in the tragic murder of the Archbishop in Canterbury Cathedral. I must, therefore, restrict myself to some of its more prominent features. It was, in brief, a contest between the unjust aggressions of the Papacy and the just rights of the State. Strictly speaking, religious doctrine did not come into the controversy. What Becket contended for was the absolute freedom of the clergy from State control. He wished the King to treat them as though they were the subjects of a foreign Sovereign, owning allegiance to him, before that of their lawful King. Of course no King could submit to such a claim, without loss of honour. Some years later King John tamely yielded everything to the Pope, including even his Kingship ; and by so doing he brought his own name into perpetual infamy. But Henry II. was made of sterner material. His indignation was specially aroused by Becket's claim for the clergy, that no matter how abominable their crimes, even when including murder, robbery, incest, and rape, no secular Court of Law should be allowed to punish them for their iniquities. That privilege was reserved for the Ecclesiastical Courts, whose sentences for the most enormous offences were outrageously inadequate. Clerical crime at this period of English history was widespread, and frequently of the most outrageous character. This exemption from the jurisdiction of the temporal Courts of Law was claimed not only for Bishops, priests, and deacons, but also for a large body of persons whose claims were preposterous. Hallam states that :—

"The Bishops gave the tonsure indiscriminately, in order to swell the list of their subjects. This sign of a clerical state, though below the lowest of their seven degrees of ordination, implying no spiritual office, conferred the privileges and immunities of the profession on all who wore an ecclesiastical habit and had only once been married.

Orphans and widows, the stranger and the poor, the pilgrim and the leper, under the appellation of persons in distress, came within the peculiar cognizance and protection of the Church; *nor could they be sued before any lay tribunal.* And the whole body of Crusaders, or such as merely took the vow of engaging in a Crusade, enjoyed the same clerical privileges." [1]

The immediate cause of Henry's opposition to the clerical encroachments on his rights as King, was the wide extent of criminality of the darkest dye amongst the clergy. This is very clearly revealed by William of Newburgh, who died in 1208.

"It was intimated by the Judges to the King," he writes, "that many crimes against public order, such as thefts, rapines, and murders, were repeatedly committed by the clergy, to whom the correction of lay jurisdiction could not be extended. Finally, it was declared in his presence, that *during his reign more than a hundred murders had been committed by the clergy in England alone.* Hereupon the King, waxing extremely indignant, enacted laws, in the heat of his passion, against ecclesiastical delinquents, wherein he gave evidence of his zeal for public justice, though his severity rather exceeded the bounds of moderation. Still, however, the blame and the origin of the King's excess in this point attaches only to the Prelates of our times, inasmuch as it proceeded entirely from them. For since the Sacred Canons enjoin that not only flagitious clerks, that is, such as are guilty of heinous crimes, but even such as are slightly criminal shall be degraded—and the Church of England contains many thousands such, like the chaff innumerable amid the few grains of corn—what number of the clergy have there been deprived of this office during many years in England? The Bishops, however, while anxious rather to maintain the liberties or rights of the clergy than to correct and root out their vices, suppose that they do God service, and the Church also, by defending against established law those abandoned clergy, whom they either refuse or neglect to restrain, as their office enjoins, by the vigour of ecclesiastical censure. Hence the clergy, who, called into the inheritance of the Lord, ought to shine on earth in their lives and conversation, like stars placed in the firmament of heaven, yet take licence and liberty to do what they please with impunity; and regard neither God, Whose vengeance seems to sleep, nor

[1] Hallam's *Middle Ages*, vol. ii. p. 219.

men who are placed in authority; more especially as Episcopal vigilance is relaxed with respect to them, *while the prerogative of Holy Orders* exempts them from all secular jurisdiction." [1]

Rapin asserts that not even one of the clergy who committed the one hundred murders mentioned by William of Newburgh, was punished with degradation! Just about the time when Henry took this urgent matter in hand, a priest named Philip de Brock, Canon of Bedford, committed a murder. The matter was brought before the Archbishop's Court, which, acknowledging the guilt of the priest, imposed as a penalty for his crime that he should be deprived of his benefice, and confined to a monastery. The King, when he heard of such a mild and inadequate sentence, was justly angry. By the law of the land the penalty for murder was death, and Henry could see no reason why a man's priestly character should exempt him from such a punishment. That character in reality made the crime so much the worse, since the clergy should be the first to set good examples before the people. Becket, in reply, had the arrogance to declare that an ecclesiastic ought not to be put to death for any crime whatever! [2] Among other similar cases, there was one in which a priest was accused of debauching a gentleman's daughter, and of having, to secure his enjoyment of her, murdered her father. The King required him to be brought to justice before a civil tribunal, that, if convicted, he might suffer a penalty adequate to his guilt, which the ecclesiastical judicatures could not inflict upon him; but this also was resisted by Becket.[3]

It was certainly high time that some disabilities should be imposed upon the prerogatives of the Ecclesiastical Courts, even though by so doing the King raised against himself the bitter opposition of the Pope and Becket. He had right and justice on his side, and he determined to summon Parliament [4] to consider the matter. It met at

[1] William of Newburgh's *History*, p. 466, edition 1856.

[2] Rapin's *History of England*, vol. ii. pp. 290, 291, fourth edition, 1757.

[3] *History of the Reign of Henry II.*, by Lord Lyttleton, vol. ii. p. 349.

[4] Dean Hook terms it a "Council"; Milman asserts that it was a "Parliament."

Westminster in October 1163. To it the King complained bitterly of the disorderly and criminal conduct of the clergy, who escaped with comparative impunity.

"I am bent," he said, "on maintaining peace and tranquillity throughout my dominions, and much annoyed I am by the disturbances which are occasioned through the crimes of the clergy. They do not hesitate to commit robbery of all kinds, and sometimes even murder. I request, therefore, the consent, my Lord of Canterbury, of yourself, and of the other Bishops, that when clerics are detected in crimes such as these, and convicted, either by the judgment of the Court, or by their own confession, they shall be delivered over to the officers of my Court, to receive corporal punishment, without any protection from the Church. It is also my will and request that, while the ceremony of degradation is going on, you should allow the presence of some of my officials, to prevent the escape of the criminal." [1]

The Bishops were quite willing to grant the request of the King, but Becket stood out against it fiercely. At last, he said he would agree to what the King desired, but with the exception, "saving the rights of our Order," which made his assent practically useless. Henry saw this at once, and left the Parliament in great anger. What the King asked for, which was approved by the temporal lords present, was assent to the custom of his grandfather, Henry I., and consisted of five articles, viz. :—

"1. None should appeal to Rome without the King's leave.

"2. No Archbishop or Bishop should go to Rome, upon the Pope's summons, without the King's consent.

"3. No tenant-in-chief, or any other of the King's officers, should be excommunicated, or his lands put under an Interdict, without the King's consent.

"4. All clergymen charged with capital crimes, should be tried in the King's Courts.

"5. The laity, whether the King or others, should hold pleas of Churches, and tithes, and the like." [2]

[1] Hook's *Lives of the Archbishops of Canterbury*, vol. ii. p. 398.
[2] Rapin's *History of England*, vol. ii. p. 293.

Not content with these customs, Henry II. went further, and in 1164, what are known as the Constitutions of Clarendon became the law of the land. To the non-legal reader their purport (in relation to the subject before us) may best be gathered from a summary written by Lord Campbell, rather than by citing the text of the Constitutions themselves: "We Protestants," he writes, "must approve of the whole of them, for they in a great measure anticipate the measures which were taken when the yoke of the Church of Rome was thrown off at the Reformation; but in justice to Becket, we must acknowledge that they were in various particulars an innovation upon the principles and practices which had long prevailed. Not only did they provide that Clerks accused of any crime should be tried in the King's Courts; that all suits concerning advowsons and presentations should be determined according to the course of the common law; and that the Clergy should no longer pretend to the right of enforcing payment of debts contracted by oath or promise, whereby they were drawing all questions of contract and property before their tribunals; but that all appeals in spiritual causes should be carried from the Archdeacon to the Bishop, from the Bishop to the Primate, *and from the Primate to the King, without whose consent it should go no farther;* that no clergyman should leave the Realm without the King's licence; that, on a vacancy, the revenue of Episcopal Sees should belong to the Crown; that the members of each Chapter, or such of them as the King might please to summon, should sit in the King's Chapel till they made the new election with his consent; and that the Bishop Elect should do homage to the Crown." [1]

It must be admitted that these Constitutions of Clarendon rather sharply cut the wings of the Papacy and the Church of Rome, imposing disabilities which would be thought, by many, over severe in our own times. Yet our Roman Catholic forefathers, in the reign of Henry II., knew what they were about, for, while willing to grant the Pope's claims in spirituals (though greatly limiting his Supremacy), when those claims went further, and clamoured for the right

[1] Lord Campbell's *Lives of the Lord Chancellors*, vol. i. p. 83, third edition.

of disposing of property, it was high time to put a stop to such demands. The King was determined that right should be done, spite of any protest to the contrary. There was nothing really novel in refusing permission to appeal to Rome until the King's consent first had been obtained. That learned Ecclesiastical Judge, the late Sir Robert Phillimore, made some important comments on this subject. He wrote :—

"There were no Appeals to the Pope out of England before the reign of King Stephen, when they were introduced by Henry de Blois, Bishop of Winchester, the Pope's Legate. Not but attempts had been made before that time to carry appeals to Rome, which were vigorously withstood by the nation, as appears by the complaint of the Pope in the reign of Henry I., that the King would suffer no appeals to be made to him ; and before that, in the reign of William Rufus, the Bishops and Barons told Anselm (who was attempting it) that it was a thing unheard of for any one to go to Rome (that is, by way of appeal) without the King's leave. And though this point was yielded in the reign of King Stephen, yet his successor, Henry II., resumed and maintained it, as appears by the Constitutions of Clarendon, which provide for the course of appeals within the Realm, so as that further process be not made, without the King's assent. And afterwards, in the Parliament of Northampton, the Constitutions of Clarendon were renewed ; and in the reigns of Richard I. and King John, we find new complaints of the little regard paid to those appeals ; for which also divers persons were imprisoned in the reigns of Edward I., Edward II., and Edward III. Nevertheless, appeals to Rome still obtained until the reign of King Henry VIII., when they were finally abolished." [1]

In connection with Becket's claim that the clergy should be free from lay jurisdiction even in temporal matters, it is important for politicians to know that this Papal claim for the clergy is put forward by the Church of Rome at the present time, as a matter of "*Divine right.*" In the *Roman Catholic Dictionary*, issued with the *imprimatur* of the late Cardinal Vaughan, it is taught that : "Real immunity is

[1] Philimore's *Ecclesiastical Law*, vol. ii. p. 1265, edition 1873.

the right whereby it is claimed that the property of the Church and the clergy *are exempted from secular jurisdiction* and from all fiscal and other burdens imposed by secular authority. Personal immunity is *the right of the clergy to be exempted from all lay jurisdiction.* The real and personal immunity of the clergy are generally held by Canonists to be *of divine right.*" [1]

As a further proof of Henry II.'s determination to impose disabilities on the Papacy, it may be well to cite an order which he issued in the year 1165. It was in these terms :—

"If any person shall be found carrying letters or a mandate of our Lord the Pope, or of the Archbishop of Canterbury [Becket], containing an interdict of Christian offices in England, let him be arrested, and without delay let justice be done upon him, as a traitor to the King and to the Realm. Moreover, let no clerk, Monk, or Lay Brother of any Orders, be permitted to cross the sea, or to return to England, unless he has a letter from the Justiciaries permitting him to cross over, or a letter from the King allowing his return. And if any such person shall be found, let him be arrested and detained. It is also forbidden that any person shall bring any mandate whatsoever of our Lord the Pope, or of the Archbishop of Canterbury. And, if any such person shall be found, let him be arrested and detained. It is also universally forbidden that any person shall appeal to our Lord the Pope, or to the Archbishop of Canterbury, and that, in future, any mandate of theirs shall be received in England ; and it is ordered that no pleas whatsoever shall be held at their mandate. And if any person shall do anything against this prohibition, let him be arrested and detained. And further, if any Bishop, priest, Abbot, Monk, clerk, or layman, shall observe any sentence of interdict, without delay let him be banished the Kingdom, and all his kindred, but they are to take away none of their chattels with them, but let their chattels and possessions be seized into the King's hand. Also, let all clerks, who have benefices in England, be admonished throughout every county, within three months after summons, to return to their benefices, as they wish to retain those benefices, and to return to England. And, if they shall not return within the period before-mentioned, then let their chattels and possessions be seized into the King's hand." [2]

[1] *Catholic Dictionary*, p. 474, edition 1893.

[2] Roger de Hovenden's *Annals*, vol. i. p. 269, Bohn Library edition, 1853.

England, during this century, was an almost inexhaustible gold mine for the Pope and the Papal Court, with their followers and dependents. Holinshed tells us that about the year 1132 the tenths of the Bishoprics of England amounted yearly unto £21,111, all of which was transported out of the country, and sent to Rome, which was an enormous sum in those days. But this was not the whole of the Pope's yearly golden harvest. Holinshed estimates that the Pope got by elections, procurations, appeals, dispensations, Peter's Pence, Bulls, &c., not less than £1,200,000 a year from England alone. "Tell me," exclaims Holinshed, "whether our Island was one of the best pair of bellows or not, that blew in his [the Pope's] kitchen, wherewith to make his pot seeth, besides all other commodities." [1]

Cardinal Vivian was sent, in 1176, as Papal Legate to Scotland and Ireland. On his way thither he landed in England. Roger de Hovenden, who probably wrote his *Annals* about the close of the twelfth century, gives a brief but interesting account of the arrival of this Legate. He states that :—

"When he arrived in England, our Lord the King sent to him Richard, Bishop of Winchester, and Geoffrey, Bishop of Ely, to ask him by whose authority he had presumed to enter his Kingdom without his permission. Upon this question being put to him, the above-named Cardinal was greatly alarmed, and, to give satisfaction to the King, made oath that he would do nothing connected with his Legateship against his wishes; upon which, liberty was given to pass through the Kingdom into Scotland." [2]

It will be observed that Cardinal Vivian was not sent as Legate to England, but the indignation aroused by his daring to land in England without the King's leave, and the oath he was compelled to take, proves how jealous the English people were of Papal interference with their internal

[1] Holinshed's *Chronicles*, vol. i. p. 245.

[2] Rodger de Hovenden's *Annals*, vol. i. p. 417, Bohn Library edition. For the facts relating to the Papal Legates, I am mainly indebted to Ingram's *England and Rome*, pp. 15–23.

affairs, and also how much they dreaded—and, no doubt, with good reasons—the operations of any Papal Legate in England.

The Archbishop of Canterbury and the Monks of Christ Church, Dover, had a dispute between them in 1189. The Pope sent Cardinal John of Anagni as his Legate to England, with orders to hear both sides, and then settle the dispute finally. No doubt he was very much surprised, on his arrival, to find that he was forbidden to do anything without the King's permission. But the dispute was settled without his help, and then it was decided that the Legate was to be courteously treated, but that he should at once be sent back to his master, the Pope.

Matthew of Westminster tells us that in 1207, John of Ferentum came into England as Papal Legate, and travelled through the country "extorting a vast sum of money, and at last, that he might not seem to have done nothing else, he held a Council at Reading, on the day after the Feast of St. Luke the Evangelist. And when he had done this, having filled and carefully carried off all his baggage, he returned to his own country." [1] One more Papal leech the less in England. We may be quite sure the English were heartily glad to get rid of him.

Of all the Papal Legates sent to England, from time to time, none struck a heavier blow at her independence than Pandulph, who was sent to this country by Innocent III. in the reign of King John. No monarch has made a name for himself in history for tyranny and cowardice more markedly than the man who surrendered the Crown of England and Ireland to the Pope, and received it back again as his vassal. It is not at all necessary to give here a detailed history of the quarrels between John and his subjects, which led up to the interference of the Pope. He was the oppressor of everybody under his rule, clergy and laity alike having cause to hate him with a deadly hatred. If the Pope had interfered in the interests of either the clergy or the laity, something might be said in his defence; but

[1] Matthew of Westminster's *Flowers of History*, vol. ii. p. 105, Bohn Library edition.

he cared for nothing but his own aggrandisement, and how best to extort money to be spent at his own will and pleasure. Everybody admits that Innocent III. was an able man, who raised the Papacy to its highest worldly glory; but he could tolerate nothing which came in the way of his proud ambition. King John had been a tyrant, hated by his people, and in this the Pope thought he saw his chance to grasp the Crown of England, and make himself its real Sovereign. Pandulph was his tool in this ambitious scheme.

Stephen Langton had been consecrated Archbishop of Canterbury by the Pope, in the city of Viterbo, on June 17, 1207, contrary to the wishes of King John, and in contravention of the customs of England from time immemorial. Afterwards the Pope wrote to the King, asking him to receive Langton in a friendly manner, and put him into possession of the Archbishopric. The King, very properly, point-blank refused to do anything of the kind, and even threatened the Pope that, if he persisted in forcing on the country a man who had been a familiar friend of his declared enemies in France, he would prevent anybody in his dominions from going to Rome for anything. The first result of this dispute was that Innocent placed an Interdict on England. When certain English Bishops went to see the King to tell him the Pope's intention to place an Interdict on the country, John swore, says Roger of Wendover, that "if they, or any other priests soever presumptuously dared to lay his dominions under an Interdict, he would immediately send all the Prelates of England, clerks as well as ordained persons, to the Pope, and confiscate all their property. He added, moreover, that all the clerks of Rome, or of the Pope himself, who could be found in England or in his other territories, he would send to Rome with their eyes plucked out, and their noses slit, that by these marks they might be known there from other people."[1] But, notwithstanding the threats of the King, the Interdict was placed on the country, with the result, says Roger of Wendover, that "all Church Services ceased to be performed in England, with the exception only

[1] Roger of Wendover's *Flowers of History*, vol. ii. p. 246, Bohn Library edition.

of Confession, and the viaticum in cases of extremity, and the Baptism of children; the bodies of the dead, too, were carried out of cities and towns, and buried in roads and ditches, without prayers or the attendance of priests." [1] About two years after the infliction of the Interdict, the Pope, finding the King still in opposition to his wishes, sent Pandulph, who was accompanied by Durand, to England, with a view to persuading him to yield to the Pontiff's wishes. They met the King at Northampton, and treated him with outrageous insolence and insult. Foxe gives us an interesting report of their interview.

"We admonish you," they said to the King, "in the Pope's behalf, that ye make full restitution of the goods, and of the lands, which ye have ravished from Holy Church; and that ye receive Stephen [Langton], the Archbishop of Canterbury, into his dignity; and the Prior of Canterbury and his Monks; and that ye yield again unto the Archbishop all his lands and rents without any withholding. And, Sir, yet moreover, that ye shall make such restitution to them as the Church shall think sufficient."

The King meekly replied:—

"All that ye have said I would gladly do, and all things else that you would ordain; but as touching the Archbishop, I shall tell you as it lieth in my heart. Let the Archbishop leave his Bishopric; and if the Pope shall then entreat for him, peradventure I may like to give him some other Bishopric in England; and upon this condition I will receive and admit him."

An answer like this did not please the proud Legate, who replied in language which no King of England ought ever to listen to, without driving the speaker from his presence, and in the case of a foreigner, from his dominions.

"Holy Church," replied Pandulph, "was wont never to degrade an Archbishop without reasonable cause; *but she was ever wont to correct Princes that were disobedient to her.*"

An insolent threat like this naturally made the King angry. "What? How now," he exclaimed, "threaten ye me?" The Legate answered by still more insolent threats.

[1] Roger of Wendover's *Flowers of History*, vol. ii. p. 246.

"All the Kings, Princes, and great Dukes christened," he said, "have laboured to the Pope to have licence to cross themselves, and to war against thee, as upon God's great enemy, and to win thy land, and to make King whom it pleaseth the Pope. And we here now assoil [*i.e.* absolve] all those of their sins that will rise against thee here in thine own land." [1]

After Pandulph and his companion had returned to Rome, and given in a report of their mission to England, the Pope, in 1212, excommunicated King John, declared him deposed from his throne, and absolved his subjects from their oaths of allegiance. Moreover, he called upon Philip, King of France, to enforce his deposing Bull by invading England, and promised that, if he succeeded, he and his successors should hold possession of the Kingdom for ever. On this Philip collected a great army for the purpose of hurling John from his throne; but no sooner had John heard about these preparations than all the courage he possessed left him, and he decided to act a cowardly and contemptible part. He had very properly brought together an army at Dover to defend the country against the French King, but in fear and dread, instead of waiting his arrival with English courage, he sent messages to the Continent, asking Pandulph to come over again to England for the purpose of making peace with the Pope. Pandulph came readily enough, and met John at Dover. There he renewed the insolent and threatening language he had used at Northampton; but this time the frightened King listened with meek submission :—

"Behold," said Pandulph, "the most potent King of the French is at the mouth of the Seine with a countless fleet, and a large army of horse and foot, waiting till he is strengthened with a larger force to come upon you and your Kingdom, and to expel you from it with force, as an enemy to the Lord and the Supreme Pontiff, and afterwards, by authority of the Apostolic See, to take possession of the Kingdom for ever. There are also coming with him all the Bishops who have for a long while been banished from England, with the exiled clergy and laity, by his assistance, to recover by force their Episcopal Sees and other property, and to fulfil to him for the future the obedience formerly shown

[1] Foxe's *Acts and Monuments*, vol. ii. pp. 327, 328.

to you and your ancestors. The said King, moreover, says that he holds papers of fealty and subjection from almost all the nobles of England, on which account he feels secure of bringing the business he has undertaken to a most successful termination. Consult, therefore, your own advantage, and become penitent as if you were in your last moments, and delay not to appease that God whom you have provoked to a heavy vengeance. If you are willing to give sufficient security that you will submit to the judgment of the Church, and to humble yourself before Him Who humbled Himself for you, *you may, through the compassion of the Apostolic See, recover the Sovereignty*, from which you have been abjudicated at Rome on account of your contumacy." [1]

The result of the Royal interview with the Papal Legate was that, on May 15, 1213, at the house of the Knights Templar, near Dover, King John basely surrendered the Kingdoms of England and Ireland to the Pope, and confirmed it by the following Charter :—

"*John, by the grace of God King of England, &c., to all the faithful servants who shall behold this Charter, health in the Lord,—*

"We wish it, by this our Charter signed with our seal, to be known to you, that we, having in many things offended God and our Mother the Holy Church, and being in great need of the divine mercy for our sins, and not having wherewithal to make a worthy offering as an atonement to God, and to pay the just demands of the Church, unless we humiliate ourselves before Him who humiliated Himself for us even to death ; we, impelled by the inspiration of the Holy Spirit, and not by force or from fear of the Interdict, but of our own free will and consent, and by the general advice of our Barons, assign and grant to God, and His holy Apostles Peter and Paul, and to the Holy Church of Rome, our Mother, and to our Lord Pope Innocent and his Catholic successors, the whole Kingdom of England, and the whole Kingdom of Ireland ; with all their rights and appurtenances, in remission of the sins of us and our whole race, as well for those living as for the dead ; and henceforth we retain and hold those countries from him and the Church of Rome as Vicegerent, and this we declare in the presence of this learned man Pandulph, Subdeacon and Familiar of our Lord the Pope. And we have made our homage and sworn allegiance to our Lord the Pope and his Catholic successors, and the Church of Rome in manner hereunder written ; and we will make our homage

[1] Roger of Wendover's *Flowers of History*, vol. ii. pp. 263, 264.

and allegiance for the same in presence of our Lord the Pope himself, if we are able to go before him; and we bind our successors and heirs by our wife for ever, in like manner, to do homage and render allegiance, without opposition, to the Supreme Pontiff for the time being, and the Church of Rome. And in token of this lasting bond and grant, we will and determine that, from our own income, and from our special revenues arising from the aforesaid Kingdoms, the Church of Rome shall, for all service and custom which we owe to them, saving always the St. Peter's Pence, receive annually 1000 marks sterling money; that is to say, 500 marks at Michaelmas, and 500 at Easter; that is, 700 for the Kingdom of England, and 300 for Ireland; saving to us and our heirs all our rights, privileges, and Royal customs. And as we wish to ratify and confirm all that has been above written, we bind ourselves and our successors not to contravene it; and if we, or any one of our successors, shall dare to oppose this, let him, whoever he be, be deprived of his right in the Kingdom." [1]

The King personally handed over this disgraceful Charter to Pandulph, and immediately afterwards he took the subjoined Oath of Fealty to the Pope :—

"I, John, by the grace of God King of England and Lord of Ireland, from this hour forward will be faithful to God, and the Blessed Peter, and the Roman Church, and my Lord the Pope Innocent and his successors, following in Catholic manner. I will not be party in deed, word, consent, or counsel, to their losing life or limb, or being unjustly imprisoned. Their damage, if I am aware of it, I will prevent, and will have removed if I can; or else, as soon as I can, I will signify it, or will tell such persons as I shall believe will tell them certainly. Any counsel they entrust to me, immediately or by their messengers or their letter, I will keep secret, and will consciously disclose to no one to their damage. The Patrimony of Blessed Peter, and specially the realm of England and the realm of Ireland, I will aid to hold and defend against all men to my ability. So help me God, and these Holy Gospels." [2]

But though the King had thus ignominiously humbled himself before the Pope, he could not at once get the removal of the Papal excommunication. He had to wait until the Prelates whom he had banished returned to England about the middle of the following July. John met them at

[1] Roger of Wendover's *Flowers of History*, vol. ii. pp. 268, 269.

[2] Gee and Hardy's *Documents Illustrative of English Church History*, p. 76.

Winchester. Roger of Wendover says that "when he saw the Archbishop [Langton] and Bishops, he prostrated himself at their feet, and besought them in tears to have compassion on him and the Kingdom of England. The said Archbishop and Bishops, seeing the King's great humility, raised him from the ground, and taking him by the hand on each side, they led him to the door of the Cathedral Church, where they chanted the fiftieth Psalm, and, in the presence of all the Nobles, who wept with joy, they absolved him according to the custom of the Church." [1] But even this was not enough humiliation for the miserable King, who was also compelled, for a second time, to swear to the Oath of Fealty to the Pope. At the end of the following September, King John was, in St. Paul's Cathedral, London, for a third time compelled to swear, as his vassal, allegiance to the Pope. On this occasion the Charter by which the Crown had been transferred to the Pope, which had been sealed with wax, was stamped with gold, and delivered to the new Legate, Nicholas, Bishop of Tusculum, by whom it was taken to the Pope. Probably it is still retained at Rome amongst the Papal Archives. But even yet the Interdict on England was not removed. Something more than grovelling humiliation was required from John, before it was taken off the Kingdom. That something was money. In a letter the Pope wrote thus to his Legate on this subject :—

"Let the aforesaid King," wrote Innocent, "pay to the Archbishop of Canterbury, and the Bishops of London and Ely, or to others whom they may appoint to receive it, so much money as, when added to what the King has already paid to us, shall amount to the sum of 40,000 marks ; *on the payment of which by him*, and his giving the undermentioned security, *do you immediately withdraw the sentence of Interdict*, doing away with all appeal or gainsaying. And after this he must pay 12,000 marks yearly, at two fixed periods, namely, 6000 marks on the commemoration of All Saints, and the same number at the feast of our Lord's Ascension, until the whole amount be paid." [2]

[1] Roger of Wendover's *Flowers of History*, vol. ii. p. 273.
[2] *Ibid.*, vol. ii. p. 295.

CHAPTER III

JOHN—HENRY III.

Matthew Paris on the Detestable Extortions of the Pope—The King of Scotland's Strong Speech to a Papal Legate—The Roman Court termed "a common Brazen-faced Strumpet"—The Nobles of England protest against Papal Extortions—English Ambassadors at a General Council—Their Complaints of the Oppressions of the Papal Court—The English Parliament's Statement of Papal Oppressions—The King's Interview with the Pope's Agent in England—English Bishops refuse the demands of a Papal Envoy—The Bishops of London and Worcester refuse to submit to Papal Slavery—The Barons compel Foreign Ecclesiastics to flee from England.

THE English people had good reasons for their dread of Papal Legates. When the power of these emissaries of the Pope was at its height, in the reigns of King John and Henry III., the country had cause for many bitter complaints. At his Coronation Henry III. did homage to the Pope for the Kingdoms of England and Ireland, and swore that so long as he held those Kingdoms, he would faithfully pay the 1000 marks of tribute money, which his father, King John, had promised. Matthew Paris has many a sorrowful tale to tell of the extortions of Popes, by means of their Legates. One of these was Cardinal Otto. He arrived in England in 1225, and finally left the country in 1240. During his residence England groaned under his extortions. To help him in his evil work, Otto had with him one Peter le Rouge, whom Matthew Paris terms "his ally." Of him the historian, in a section headed: "The Detestable Extortion of Money by the Pope," writes:—

"A novel and execrable method of extortion, hitherto unheard of, sprung up at this time in England; for our Holy Father, the Pope, sent an extortioner named Peter le Rouge, into England, who was skilled to extort money by the most exquisite devices from the wretched English. He went to the Chapters of the Religious men, compelling

and seducing them to promise money, and to pay it when promised, like the other Prelates, who he lyingly asserted had paid it willingly. 'For,' said he, 'such and such a Bishop, and such and such an Abbot, has already willingly satisfied my demands, and why do you thus idly delay, so as to lose your thanks and recompense.' This said impostor also made them swear that they would not make known to any person, within the period of half a year, the method of extorting money which he had practised. In doing this he followed the plan of robbers of houses, who extort a promise from the plundered party not to reveal the names of their plunderers to any one ; but although men should be silent, the stones of the Churches would raise a cry against their despoilers, nor could this wicked action be kept in darkness ; for how could the Prelates exact money from those subject to them, unless the reason of the demand were told ? The Abbots therefore went to the King, with mournful and dejected countenances, saying :—

" 'Your Majesty ! We are beaten, and are not allowed to exclaim against it ; our throats are cut, and we cannot cry out ; impossibilities are enjoined on us by the Pope, and a detestable extortion is practised on the whole world. We hold our Baronies from you, and cannot impoverish them without prejudice to you, and we cannot answer to you for what is incumbent upon us for them, and at the same time satisfy the unceasing extortions of the Pope. For in this way some new and reiterated oppression devised by the Romans is always unexpectedly rising against us, which does not allow us to breathe freely even for a little time. We, therefore, run to the asylum of your counsels, and to your protecting bosom, and demand your advice and assistance in this state of desolation.' " [1]

Alas ! they appealed to their King (Henry III.) in vain ! He only scowled on them for their pains. But what else could be expected from one who had submitted to the degradation of holding his Crown as the fief of the Pope ? A very bond-slave of the Papacy, he had no care for the

[1] Matthew Paris' *English History*, vol. i. pp. 280, 281, Bohn Library edition.

miseries of his people, whether they were Bishops, priests, or laymen, so long as the interests of his superior Lord and Master, the Pope, were at stake.

In the year 1237 the Legate Otto was present at a meeting of the Peers in York, at which also the King of Scotland was present, for the purpose of taking part in a discussion on Scottish affairs. While there Otto told him that he intended paying a visit to Scotland, for the purpose of arranging ecclesiastical affairs there, as he had done in England. He must have been very much surprised at the King of Scotland's answer. He said that :—

"He never remembered a Legate called into his Kingdom, and he thanked God there was no need for any now; for neither his father nor any of his ancestors had suffered any to enter, and as long as he was in his senses he should also hinder it. Nevertheless, because you have the character of a very holy man, I will give you this advice. If ever you enter my Kingdom do it very cautiously, lest any misfortune happen to you. A great many fierce and savage men inhabit there, that thirst after human blood, which I myself cannot tame, and if they set once upon you I cannot prevent them from doing you a mischief. It is not long since, as you may have heard, that they invaded me, and had like to have drove me from my native Kingdom." [1]

Otto very wisely took the King's advice, and, through fear of what might follow, abstained from entering Scotland. In describing the departure of this Papal Legate from the shores of England, Matthew Paris writes :—

"On the day after the Epiphany, the Legate [Otto], after receiving an embrace and kisses from the King, took ship at Dover, and, laying aside the insigna of his Legateship, turned his back on England, leaving no one except the King, and those whom he had fattened on the property of the Kingdom, to lament his departure. And at that time (as was truly stated) there was not left in England so much money (with the exception of the vessels and ornaments of the holy Churches) as he, the said Legate, had extorted from the Kingdom. He had, moreover, given away at his

[1] *The Parliamentary History of England*, vol. i. pp. 35, 36 (London, 1751).

own will, or at that of the Pope, Prebends, Churches, and more than three hundred rich revenues, owing to which the Kingdom was like a vineyard exposed to every passer-by, and which the wild boar of the woods had laid waste, and languished in a miserable state of desolation. He left the Church of Canterbury, which was the most noble of all the English Churches, in a state of inquietude and languishing in widowhood, as well as many other Cathedral and Conventual Churches destitute of all comfort and consolation. And he had not strengthened any of the weaker parts of the country, as was proved by clear evidence, because he was sent, not to protect the sheep which were lost, but to gather in the harvest of money which he had found." [1]

"About this time, either with the permission or by the instrumentality of Pope Gregory, the insatiable cupidity of the Roman Court grew to such an extent, confounding right with wrong, that, like a common brazen-faced strumpet, exposed for hire to every one, it considered usury as but a trivial offence, and simony as no crime at all; so that it infected other neighbouring States, and even the purity of England, by its contagion." [2]

The Nobles of England were at this time justly indignant at the extortions and aggressions of the Papacy, mainly through their Legates. They, in 1231, made known (under the leadership of Simon Montfort, Earl of Leicester) to the Bishops and other ecclesiastical dignities of England, their views on the subject. And this was their complaint, as reported by Foxe :—

"To such and such a Bishop, and such a Chapter, all the university and company of them, that would rather die than be confounded of the Romans, wisheth health.

"How the Romans and their Legates have hitherto behaved themselves towards you and other ecclesiastical persons of this realm of England, it is not unknown to your discretions, in disposing and giving away the benefices of the realm after their own lust, to the intolerable prejudice and grievance both of you and all other Englishmen. For whereas, the collation of benefices should and doth properly belong to you and other your fellow Bishops (ecclesiastical persons), they, thundering against you

[1] Matthew Paris' *English History*, vol. i. p. 319. [2] *Ibid.*, p. 332.

the sentence of excommunication, ordain that you should not bestow them upon any person of this realm, until in every diocese and Cathedral Church within the realm, five Romans (such as the Pope shall name) be provided for, to the value of, every man, £100 a year. Besides these, many other grievances the said Romanists do inflict and infer, both to the laity and nobles of the realm, for the patronages and alms bestowed by them and their ancestors, for the sustentation of the poor of the realm, and also to the clergy and ecclesiastical persons of the realm, touching their livings and benefices. And yet the said Romanists, not contented with the premises, do also take from the clergy of this realm the benefices which they have, to bestow them on men of their own country.

"Wherefore, we, considering the rigorous austerity of these aforesaid Romanists, who, once coming in but as strangers hither, now take upon them not only to judge, but also to condemn us, laying upon us unsupportable burdens, whereunto they will not put one of their own fingers to move. And laying our heads together upon a general and full advice had among ourselves concerning the same; have thought good (although very late) to resist or withstand them, rather than to be subject to their intolerable oppressions, and to the still greater slavery hereafter to be looked for. For which cause we straitly charge and command you, as your friends going about to deliver you, the Church, the King, and the Kingdom, from that miserable yoke of servitude, that you do not intermeddle or take any part concerning such exactions or rents to be required or given to the said Romans. Letting you understand for truth, that in case you shall (which God forbid) be found culpable herein, not only your goods and possessions shall be in danger of burning, but you, also, in your persons, shall incur the same peril and punishment as shall the said Romish oppressors themselves. Thus fare ye well." [1]

About four years after the departure from England of the Legate Otto, the Pope sent another Legate, one Master Martin, who seems to have been even a greater curse than his predecessor. Matthew Paris has a great deal to say about this man's extortions. I think I cannot do better than to tell the story of his misdoings in his words. He writes, under date 1244:—

"About the same time, the newly elected Pope sent a new extortioner of money into England, namely Master

[1] Foxe's *Acts and Monuments*, vol. ii. pp. 363, 364.

Martin, carrying a letter of authority from the Pope, and empowered to excommunicate, suspend, and in many ways to punish those who opposed his wishes. Strengthened with which power, he suspended the English Prelates, so that they could not derive any benefit from their benefices till they had satisfied the cravings of the Pope, who extorted their revenues for his clerks or relations. But he deemed it unworthy to receive any sum unless it amounted to thirty marks or more, lest so great a man might seem to be careful about trifles. The said Master Martin therefore began imperiously to demand of, and extort from, Prelates, and expecially the Religious, gifts, chiefly magnificent palfreys, strictly enjoining in his letters such an Abbot, or such a Prior, to send him horses as would be fit for a special clerk of the Pope to ride on. Those who opposed and made excuses, and put forth causes for non-compliance, even reasonable causes (as, for example, the Abbot of Malmsbury and the Prior of Merton) were suspended and heavily punished to his full satisfaction. For this careful Inquisitor turned his eyes upon all the vacant Churches and Prebendal stalls, that he might with them supply the open demands of the Papal wants." [1]

About two years after the arrival of Master Martin a General Council was held, by Pope Innocent IV., at Lyons, at which the English uttered loud complaints against his extortions. At this Council three English Ambassadors, viz. Hugo Bigod, William de Chanteloup, and Philip Basset, were present, and in the name of the whole community of the Kingdom protested against Papal extortions by means of Legates and other agents of the Pope. They stated that by these means more than 60,000 silver marks had been carried out of the Kingdom of England, that even this large sum had not satisfied the greed of the Legate, Master Martin; and that, generally, "The most insupportable exactions were made by the Legates, Nuncios, and other Ministers, whom the Pope sent into England." [2] To this complaint the Pope refused to give any answer whatever. Then one

[1] Matthew Paris' *English History*, vol. i. p. 479.
[2] Landon's *Manual of Councils*, vol. i. pp. 350, 351.

Master William de Poweric, on behalf of the whole community of England, gave to the Pope a written and lengthy account of the manifold extortions of the Roman Court in England. It stated that the people of England loved the Roman Church with their whole hearts, and had shown that love by the payment of Peter's Pence, and in many other ways; but it then went on to describe the evils which had been inflicted on the people of England.

"It is not," it proceeded, "without great annoyance and intolerable injury to us, that the aforesaid Religious men should be in any way defrauded of their rights of patronage and collation to Churches. But now by you [the Pope] and your predecessors, having no consideration, besides the aforesaid supplies, Italians (of whom there is an almost endless number) are now enriched on the Churches belonging to the patronage of those very Religious men, who are called the Rectors of Churches, thus leaving those whom they ought to defend entirely unprotected, giving no care to the souls of the people, but allowing these most rapacious wolves to disperse the flock, and carry off the sheep. Hence they can say with truth, that these persons are not good shepherds, as they do not know their sheep, neither have the sheep any knowledge of the shepherd. They do not practice hospitality or the bestowal of alms enjoined on the Church, but they only receive the fruits to carry them out of the Kingdom, impoverishing it in no slight degree, by possessing themselves of its revenues, by which our brothers, nephews, and other relations, well-deserving men of the said Kingdom, ought to be benefited. . . . But in order that the truth may be known to you, these Italians, receiving 60,000 marks and more annually in England, besides divers other receipts, carry off more clear gain in revenues from the Kingdom than the King himself, who is the Protector of the Church, and holds the reins of government in the Kingdom.

"We cannot, however, pass over in silence our own oppressions; for we are not only injured, but oppressed beyond measure. In the first place, Master Martin, who lately came into the Kingdom, without the King's permission, invested with greater powers than we ever remember any Legate asked for by the King to have had before (although not possessed of the insignia of the Legateship, yet performing the manifold duties of that office), is daily putting forth new and hitherto unheard-of powers and, in his excess of power, is continually making encroachments. He has bestowed some vacant benefices, with thirty marks and

more, annually, on some Italians; and when they die, others will be appointed in their places, without the knowledge of the Patrons; and thus are the latter cheated of their right of gift. Even more, also, does the said Master Martin attempt to assign similar benefices, when they happen to be vacant, to divers persons; and reserves to the Apostolic See the right of gift of some; and, moreover, extorts immoderate pensions from Religious men, pronouncing sentences of excommunication and interdict in all directions against gainsayers and opposers, to the great risk and peril of their souls. Inasmuch, therefore, as the said Master Martin, to the great disturbance of the whole Kingdom, exercises the said jurisdiction, which we cannot believe to have emanated from you knowingly, because he discharges higher duties than we ever remember a Legate to have discharged before, which greatly detracts from the privilege especially granted to his Majesty the King, by the Apostolic See, by which it is decreed that no one shall fill the office of Legate in England, unless especially asked for by the King; we therefore, with all possible humility and devotion, beg of Your Holiness, inasmuch as the affectionate father is bound to extend the hand of compassion to relieve the oppression of the children, by an effectual and seasonable assistance, soon to relieve us, in your paternal kindness, from the above-mentioned injuries and oppressions." [1]

But those who protested got neither paternal kindness nor assistance from the Pope, who was too busy preparing to excommunicate the Emperor to attend to complaints from Englishmen. Yet these complaints may serve to show us, in this twentieth century, how greatly our Roman Catholic forefathers suffered from Papal extortions, and the reasons they had for, from time to time, passing laws imposing disabilities upon the exercise of Papal Supremacy. Papal Legates were never popular in England; but the complaints of the people to the Pope only led to his imposing additional burdens. Later on, in the year 1246, a statement of grievances was presented to, and adopted by, the English Parliament, in which it was affirmed that :—

"The Kingdom is oppressed, because the Pope is not content with the supply, which is called Peter's Pence, but extorts a heavy contribution from the whole of the clergy of England, and is still endeavouring to practise still

[1] Matthew Paris' *English History*, vol. ii. pp. 74–76.

greater extortions, and this he does without the assent or consent of the King, contrary to the ancient customs, liberties, and rights of the Kingdom, and in spite of the appeal and opposition made by the proctors of the King and Kingdom at the General Council.

"Item, the Church, as well as the Kingdom, is oppressed because the patrons of the Churches have not the power to present fitting Clerks to them when vacant, which the Pope, by his letters, granted to them; but the Churches are given to the Romans, who are entirely ignorant of the proper language of the Kingdom, to the peril of the people's souls, and who carry money out of the Kingdom, thereby impoverishing it beyond measure.

"Item, it is oppressed by the provisions made by the Pope in exacting pensions contrary to the tenor of his letters, in which is contained a statement that, out of all the reservations made in England, he only intended to confer twelve benefices, after the writing of the said letters; but we believe that a great many more benefices were given away, and provisions made by him afterwards.

"Item, it is oppressed, because Italian succeeds Italian, and because the English are, by the Apostolic authority, dragged out of the Kingdom in their causes, contrary to the customs of the Kingdom, contrary to the written laws." [1]

Soon after the Council of Lyons, a number of Knights and other influential laymen entered into a conspiracy to force Master Martin, the Legate, to leave the country. In this, to the great joy of the nation, they succeeded. Matthew Paris tells the interesting story of how it was done, under date 1245:—

"About this time, the King having prohibited some tournaments from being held by some persons assembled at Luton and Dunstable, whose designs were malicious, on account, as he said, of their danger, Fulk Fitz Warren, on behalf of the community of the Kingdom, was sent, on the morrow of the feast of the Apostles Peter and Paul, to Master Martin, the oft-mentioned Pope's clerk, who was staying at the New Temple at London. On coming into his presence,

[1] Matthew Paris' *English History*, vol. ii. p. 149.

the said Fulk, eyeing the clerk with a frowning brow, thus addressed him :—

"'Depart, and leave England immediately.'

"Master Martin then asked him—

"'Who orders me to do so? Do you do this on your own authority?'

"To which Fulk replied—

"'You are ordered to do so, through me, by the community of armed Knights, who lately met at Luton and Dunstable; and if you listen to prudent counsel, you will not stay here till the third day from this time, lest you and all your companions be cut in pieces.'

"On the said Fulk's departing in anger, after heaping threat upon threat with a terrible oath, Master Martin immediately went, breathless with alarm, to the King, and said to him—

"'My lord, I have just heard such and such things; is this done by your authority, or is it by the audacity of your subjects?'

"To this the King replied—

"'I declare that I am not the author of this proceeding; but my Barons can scarcely restrain themselves from rising against me, because I have hitherto tolerated the depredations and injuries committed by you in this Kingdom on them, and which exceed all measure and justice; and with difficulty have I hitherto prevented them in their fury from attacking you, and tearing you limb from limb.'

"With a trembling and low voice Master Martin then said—

"'I, therefore, ask your Majesty, out of your love to God and reverence for the Pope, to allow me a free exit, and to permit me to depart in safety under your conduct.'

"To which request the King, who was much excited, and provoked to anger, replied—

"'May the Devil take you, and carry you to Hell, and through it.'

"When the Nobles, who sat round, had appeased the King's anger, he ordered Robert Norris, Seneschal of his Palace, to conduct Master Martin in safety to the sea coast." [1]

[1] Matthew Paris' *English History*, vol. ii. p. 56.

In this same year the Pope issued a decree that the property of every English priest who died intestate, should be sent to him for his own use! He also ordered that every beneficed priest should give one-third of his property to the Pope, and if he were non-resident he should give him one-half of it! No wonder the priests were indignant at what was, in reality, nothing better than downright robbery. Of course the Popes found their Legates very useful in collecting the money out of which the people of England were swindled.

Two years after the Council of Lyons, even greater Papal extortions were practised on the English. Matthew Paris tells us that: "The oppressions devised in manifold ways, which flowed forth from the Roman Court on wretched England, were daily increased and multiplied. Besides the oppression and unusual slavery, owing to the suspension of Prelates from the collation of benefices until the Roman avarice was satisfied, and against which their petty King in his pusillanimity did not cry out, detestable swarms of new oppressions daily shot forth." [1] Holinshed says that: "By enquiry taken about this time by the diligence of the Bishop of Lincoln, it was found that the yearly profits and revenues of spiritual promotions and livings resting in strangers' [*i.e.* foreigners] hands, preferred by the Pope's Provisions, amounted to the sum of threescore and ten thousand Marks, *which was more by two third parts than the King's revenues belonging to his Crown.*" [2]

The next Papal Legate, or Nuncio, sent to England, with whose proceedings we need to trouble ourselves, was Master Rustand, a Gascon by birth, who arrived in 1255. Like so many of his predecessors, he came for the special purpose of extorting more money for the use of the Pope. He was by no means welcome to either Bishops, priests, or laymen; but he cared very little for this, so long as the King of England, Henry III., took his part. He was authorised by the Pope to borrow large sums of money from moneylenders, and to pledge the property of the Church of England as

[1] Matthew Paris' *English History*, vol. ii. p. 280.
[2] Holinshed's *Chronicles*, vol. ii. p. 427.

security, well knowing, of course, that this property was not his to pledge. The money so borrowed was to be sent to the Pope, to pay the expenses of a war which he had on hand against Manfred, the son of the excommunicated Emperor Frederick. At first but little success rewarded the efforts of Rustand to collect money for the Papal Treasury. At last he summoned all the Prelates of the Church of England to meet him in London, on October 13, 1255. A modern Roman Catholic writer thus relates the results of this meeting :—

"In the assembly, after the reading and examination of his powers, the Nuncio told them what he desired, which was in fact so large a sum of money, that for ever after the English Church, and for that matter the whole Kingdom, would have been hopelessly impoverished. As an example of these desired impositions, the chronicler mentions that the Monks of St. Albans alone were to furnish 600 marks for the Pope's use, which they could do only by borrowing on usurious conditions, especially as Rustand and the Bishop of Hereford desired to shorten the term allowed for payment. Against this, some of the Bishops stood firmly opposed ; it was a subversion of the liberty of the Church, they declared, and rather than contribute, they would prefer to die like St. Thomas to protect the interests of their Sees. The Archbishop of Canterbury was away, the Archbishop of York had given in, the elect of Winchester was suspect in his intentions, and the Bishop of Hereford was plainly and openly for Rustand and his exactions. After some days' discussion, the majority of the Prelates followed the lead of the Bishop of London, and refusing the demands of the Papal Envoy, appealed for protection to the Pope himself." [1]

Matthew Paris states that at this meeting of Prelates, the Bishop of London said : "Before I will give my consent for the Church to be subjected to such an injurious state of slavery, I will cut off my head and free myself from this intolerable oppression" ; and the Bishop of Worcester loudly exclaimed : "As for me, before the Holy Church shall submit to such a ruinous imposition, I will condemn

[1] *Henry the Third and the Church*, by Abbot Gasquet, D.D., p. 357.

myself to be hung." [1] Rustand left England in 1257. Two years later the English nobles got sick and tired of Papal Legates. "In those days," writes Matthew Paris, "the Romans and their Legates lorded it in England, causing much injury to laymen as well as ecclesiastics in the matter of the advowsons of Churches, providing their own friends with rich vacant benefices at pleasure, setting themselves up in opposition to Bishops, Abbots, and other religious men, and involving them in the sentence of excommunication. The Nobles, in consequence, indignant at such acts of pride, bestirred themselves, late though it was, to apply a remedy, and compelled the foreigners to fly the Kingdom. They did not, indeed, drive them all away, but took especial care to banish the Poitevins." [2] By this action of the Barons England was undisturbed by Roman extortioners for some years.

There can be no doubt that on the whole the Barons' War was in defence of the rights of Englishmen. "We are indebted to the Barons of Henry III.," writes Mr. Greenwood, "for a virtual, if not a legislative, recognition of that popular element, which, if it did not wholly repress, at least imposed some check upon the irregularities of Governments, and in particular upon the extortions of Papal agents and collectors which rendered the reign of Henry III. a byword of contempt and reprobation to all ages." [3]

[1] Matthew Paris' *English History*, vol. iii. p. 146.
[2] *Ibid.*, vol. iii. p. 332.
[3] Greenwood's *Cathedra Petri*, book xiv. p. 194.

CHAPTER IV

EDWARD I.—EDWARD III.

Dispute between Edward I. and the Bishops—The Pope forbids all Ecclesiastics to Pay Taxes—Text of the Papal Bull *Clericis Laicos*—Archbishop Winchelsey's Speech on the Subject—The Lord Chief Justice sentences Bishops and Clergy to Outlawry—Pope Boniface VIII. claims the Kingdom of Scotland—The Reply of the English Peers—Edward I. denies the Pope's Claims—Pope Urban V. claims the Suzerainty of England—Parliament Repudiates his Claim—Other occasions on which the Popes have made the same Claim—A new Law forbidding the Payment of Taxes to the Pope—Text of this Law—Sir Edward Coke on English Laws against Papal Claims.

In the year 1296 a heated dispute arose between the King and the Bishops and clergy of England. The King was greatly in need of money to carry on his war against his enemies. The laity of all classes gladly contributed a proportion of their incomes to supply his wants, but the Bishops and clergy point-blank refused to contribute anything, on the plea that Church property and ecclesiastics could not be taxed by the King for any purpose whatever. The Archbishop of Canterbury was the leader of this modified form of rebellion, to which, of course, the King very properly refused to submit, considering that all property—whether ecclesiastical or lay—should contribute its just proportion towards the expenses of the Kingdom. But the Archbishop and clergy pleaded that they had just received a Bull from the Pope, Boniface VIII., forbidding them to do anything of the kind. The Bull had been published in England by the Archbishop of Canterbury. It is known by its title *Clericis Laicos*, and was addressed to the Church of Rome at large, and not to England only. As the principles enunciated in this Bull are still those of the Church of Rome in the present day, I quote it here in full, as a proof of the need there is to place disabilities on Papal claims :—

"Boniface, Bishop, servant of the servants of God, for the perpetual memory of the matter. That laymen have been very hostile to clerks antiquity relates, which too the experiences of the present times manifestly declare, whilst not content with their own bounds they strive for the forbidden and loose the reins for things unlawful. Nor do they prudently consider how *power over clerks or ecclesiastical persons or goods is forbidden, them :* they impose heavy burdens on the Prelates of the Churches and ecclesiastical persons Regular and Secular, and tax them, and impose collections : they exact and demand from the same the half, tithe, or twentieth, or any other portion or proportion of their revenues or goods ; and in many ways they essay to bring them under slavery, and subject them to their authority. And, as we sadly relate, some Prelates of the Churches and ecclesiastical persons, alarmed where there should be no alarm, seeking transient peace, fearing more to offend the temporal Majesty than the eternal, acquiesce in such abuses, not so much rashly as improvidently, authority or licence of the Apostolic See not having been obtained. We therefore, desirous of preventing such wicked actions, do, with Apostolic authority, decree, with the advice of our brethren, that whatsoever Prelates and ecclesiastical persons, Religious or Secular, of whatsoever orders, condition or standing, shall pay or promise or agree to pay to lay persons collections or taxes for the tithe, twentieth, or hundredth of their own rents, or goods, or those of the Churches, or any other portion, proportion, or quantity of the same rents, or goods, at their own estimate or value, under the name of aid, loan, relief, subsidy, or gift, or by any other title, manner, or pretext demanded, without the authority of the same See.

"And also whatsoever Emperors, Kings, or Princes, Dukes, Earls, or Barons, powers, captains, or officials, or rectors, by whatsoever names they are reputed, of cities, castles, or any places whatsoever, wheresoever situate, and all others of whatsoever rank, pre-eminence or state, who shall impose, exact, or receive the things aforesaid, or arrest, seize, or presume to occupy things anywhere deposited in holy buildings, or to command them to be arrested, seized, or occupied, or receive them when occupied, seized, or arrested, and also all who knowingly give aid, counsel, or favour openly or secretly, in the things aforesaid, by this same should incur sentence of excommunication. Universities, too, which may have been to blame in these matters, we subject to ecclesiastical interdict.

"The Prelates and ecclesiastical persons above-mentioned we strictly command, in virtue of their obedience, and under pain of deposition, that they in no wise acquiesce in such things

without express licence of the said See, and that they pay nothing under pretext of any obligation, promise, and acknowledgment whatsoever, made so far, or in progress heretofore, and before such constitution, prohibition, or order come to their notice, and that the Seculars aforesaid do not in any wise receive it, and if they do pay, or the aforesaid receive, let them fall under sentence of excommunication by the very deed.

"Moreover, let no one be absolved from the aforesaid sentences of excommunications and interdict, save at the moment of death, without authority and special licence of the Apostolic See, inasmuch as it is part of our intention that such a terrible abuse of secular powers should not in anywise pass under dissimulation, any privileges whatsoever notwithstanding, in whatsoever tenors, forms, or modes, or arrangement of words, conceded to Emperors, Kings, and the others aforesaid; against which premises aforesaid we will that aid be given by no one, and by no persons in any respect.

"Let it then be lawful to none at all to infringe this page of our constitution, prohibition, or order, or to gainsay it by any rash attempt; and if any one presume to attempt this, let him know that he will incur the indignation of Almighty God, and of His blessed Apostles Peter and Paul.

"Given at Rome in St. Peter's on the 24th of February in the second year of our Pontificate." [1]

Whether King Edward I. had, in this particular instance, a just cause for demanding aid from his people is now but a matter of secondary importance; but it is certain that he had as good a right to aid from the clergy as from the laity. The Church at that time was immensely rich, and could well afford financial assistance. But the principles laid down by the Bull of Boniface VIII. were far-reaching, and forbade the laity, whether Kings or Parliaments, to impose any tax whatever on either the clergy or Church property, without the consent of the Pope being first had and obtained. It would have been very foolish of the King to tamely submit to such Papal demands. He brought the subject forward at a Parliament, which met at Bury St. Edmund's, on November 3, 1296, at which the laity agreed to tax themselves for the expenses of the King's war with France, but the clergy refused to pay a penny.

[1] Gee and Hardy's *Documents Illustrative of English Church History*, pp. 87–89.

The answer they returned to the King was: "That they could neither give nor grant, neither could the King receive any subsidy from them, without both incurring a sentence of excommunication, which was included in the Pope's Bull to that purpose." [1] Such an answer as this naturally displeased the King, who, however, before resorting to extreme measures, gave the clergy another chance. They met again at St. Paul's, London, on the 14th of the following January, and were addressed by Archbishop Winchelsey in the following terms:—

"My Lords,—It is very well known to you and all the world, that under the Almighty God we have both a spiritual Lord and a temporal one. The spiritual Lord is our Holy Father, the Pope, and the temporal Lord, the King. And though we owe them both obedience, yet we are under more subjection to the spiritual. But to do all that is in our power to please both, we are willing to send special messengers to our Holy Father the Pope, at our own expense, to desire that he would grant us leave to oblige the King in this matter; or, at least, we shall have an answer from him what we ought to do." [2]

The clergy agreed with the Archbishop's view of their duty in this matter; but, of course, their decision added to the indignation of the King. He determined, thereupon, to appeal to the judges, and with the result that the Lord Chief Justice of the King's Bench sentenced to outlawry all the Bishops and clergy who refused to pay the subsidy, in these terms: "You that are the proctors or attornies for the Archbishops, Bishops, Abbots, and Priors, with the rest of the clergy, take notice to acquaint all your masters that, for the future, no manner of justice shall be done them in any of the King's Courts, on any cause whatsoever; but justice shall be had against them to every one that will complain and require it of us." [3] The result of such a sentence soon brought the clergy to make a compromise with the King, by which some of them gave to the King the value of one-fifth of their goods, while the Archbishop

[1] *Parliamentary History*, vol. i. p. 102, edition 1751.
[2] *Ibid.*, vol. i. p. 103. [3] *Ibid.*

recovered the King's favour by agreeing to give him one-fourth of the value of his goods. "Thus," remarks Rapin, "the clergy when they meet with vigorous Princes, are as submissive, as they are haughty, when they have to deal with those that are scrupulous and weak." [1]

In the year 1301, Pope Boniface VIII. again attempted to interfere with the temporal affairs of the King of England. At that time Edward I. had asserted in an emphatic manner his claims as suzerain of the Kingdom of Scotland, and tried to enforce the claim by an invasion of the latter Kingdom. When this came to the knowledge of the Pope his pride and anger were both aroused. Boniface asserted that he was the real ruler of Scotland, in temporals as well as spirituals, and not either the King of England or anybody else. So for the purpose of enforcing his claim the Pope wrote to Edward I. a long letter, which is printed in full by Matthew of Westminster.[2]

In this document he asserted that "from ancient times the Kingdom of Scotland has of full right belonged, and is still well known to belong, to the aforesaid Church [of Rome]; and that as we have received it, it has never been under any feudal subjection to your ancestors, the Kings of England, nor is it so now." The Pope sent this letter to the King through the hands of the Archbishop of Canterbury, to whom he also wrote a letter, commanding him to "encourage and persuade" the King to submit to the Papal demands. The Archbishop was willing enough to do as the Pope wished. At that time the King was in Scotland, and the Archbishop found it necessary to make a long and dangerous journey thither, for the purpose of personally delivering the Pontifical letter. It is said that on reading it the King of England burst into furious wrath, and with a great oath exclaimed: "I will not be silent or at rest, either for Mount Zion or for Jerusalem; but as long as there is breath in my nostrils, will defend what all the world knows to be my right." [3] But calmer thoughts pre-

[1] Rapin's *History of England*, vol. iii. p. 296.

[2] Matthew of Westminster's *Flowers of History*, vol. ii. pp. 539–543, Bohn Library edition.

[3] Tytler's *History of Scotland*, vol. i. p. 71, edition 1864.

vailed before he gave his reply to the Archbishop, to whom he said that before answering the Pope he must first of all consult with the Nobles and other leading men in England. Shortly afterwards a Parliament met at Lincoln, and considered, by request of the King, the demands of the Pope. As a result, 100 Earls and Barons signed a united remonstrance against the Papal claim, and sent it to the Pope, refusing utterly to submit to his demands, not only as to Scotland, but as to the other possessions of the King of England :—

"We know, most holy Father," they said, "and it is notorious in the parts of England, and not unknown in some others, that, from the first foundation of the Realm of England, the Kings of that Realm, as well in the times of the Britons as of the English, have had the superior and direct overlordship of the Realm of Scotland, and have been, at successive times, in possession even as it were of the Suzerainty and direct Lordship of the said Realm of Scotland. Neither at any times did the said Realm, in its temporalities, pertain, nor does it pertain by any manner of right, to the Church abovesaid [of Rome]. Yea, more, the said Realm of Scotland pertained to the progenitors of our aforesaid Lord, Kings of England, and was their fief of old time. Neither also were the Kings of the Scots, and the Realm, subordinate nor wont to be subject to others, but to the Kings of England.

"Neither did the Kings of England answer, nor ought they to answer, concerning their rights in the aforesaid Kingdom, *or other their temporalities*, before any judge, ecclesiastical or secular, by reason of the pre-eminence of the estate of their Royal dignity and custom, unbrokenly preserved at all times. Wherefore, having held discourse, and diligent deliberation being had concerning the things in your said letters contained, the common consenting and unanimous agreement of all and singular has been, is, and for the future, God willing, will be steadfastly observed :—that our aforesaid Lord the King, for the rights of his Kingdom of Scotland, *or other his temporalities*, *shall in no wise answer judicially before you*, nor undergo judgment in any matter whatsoever, nor bring into doubtful questioning his rights aforesaid. Neither shall he send into your presence Proctors or Nuncios for that purpose, especially where the premises should manifestly tend to the disherison of the right of the Crown of the Kingdom of England, and of the Royal dignity,

and the subversion of the estate of the same Kingdom, and also to the prejudice of liberties, customs, and paternal laws, to the observance and defence whereof we are bound by the due performance of our oath taken, and which we will maintain with all our power, and will defend with all our strength, by God's help.

"Neither do we permit, nor in any way will we permit, as we neither can nor ought, that our aforementioned Lord, the King, even if he should wish it, should do, or in anywise attempt the premises so unusual, undutiful, prejudicial, and otherwise unheard of." [1]

It was thus that the English Nobles, on behalf of the English nation, rejected the Papal claim to temporal dominion, and in courteous yet decided terms told the Pope to mind his own business, and to refrain from trying to dishonestly obtain possession of other people's rights. Edward I. was as firm in dealing with the question as were his Nobles. A few months after the Parliament at Lincoln, he wrote to the Pope, on May 15, 1301, a very long letter reiterating his own claims, and repudiating those of the Pope. "It is evidently plain and notorious," he wrote, "that the aforesaid Kingdom of Scotland belongs to us, in full right both of occupation and ownership, and we have never done or allowed anything by either writing or deed, which could in any way derogate from our rights over, or possession of, the aforesaid Kingdom." [2] As to the justice of the claim to the Kingdom of Scotland put forth by Edward I., I need not discuss it here. He had at least something to say for himself, while the Pope's claim had nothing at all in its favour.

Once more, in the reign of Edward III., the Pope put forward a claim to the suzerainty of England and Ireland. On the opening of the Parliament which met at Westminster on March 30, 1366, the Lord Chancellor informed the Lords and Commons that: "His Majesty had lately received notice that the Pope [Urban V.], in consideration

[1] Gee and Hardy's *Documents Illustrative of English Church History*, pp. 90, 91.

[2] Matthew of Westminster's *Flowers of History*, vol. ii. p. 557, where the King's letter is printed in full.

of the homage which King John of England had formerly paid to the See of Rome, for his Realm of England, and Dominion of Ireland, and of the tribute by him granted to the said See, intended by process to cite his Majesty to appear at his Court, at Avignon, to answer for his defaults in not performing what the said King, his predecessor, had so undertaken for him and his heirs, Kings of England. Whereupon the King required the advice of his Parliament, what course he had best take if any such process should come out against him."

The Lords (including the Bishops) and Commons begged for time to deliberate on such an important question. But they were not long in coming to a decision. On the following day they gave in their advice to the King, after a full deliberation. They declared emphatically: "That neither King John, nor any other King, could bring himself, his Realm and people, under such subjection, without their assent; and if it was done, it was without consent of Parliament, and contrary to his Coronation Oath. That he was notoriously compelled to it by the necessity of his affairs, and the iniquity of the times; wherefore the said Estates enacted, that in case the Pope should attempt anything by process, or any other way, to constrain the King and his subjects, to perform what he says he lays claim to, in this respect, they would resist and withstand him to the utmost of their power." [1] After such a decision as this, the Pope wisely allowed his claim to drop.

But the Papal claim to the Temporal Sovereignty of England, Ireland, and Scotland has never since been withdrawn by the Court of Rome. As to England and Ireland, it was put forth anew in the sixteenth century, in the reign of Queen Elizabeth.

Cardinal Pole, in the "Instructions" given by him to the Father Confessor of the Emperor, in October 1553, referring to the then expected return of the people of England to obedience to the Pope, remarks concerning the title of Mary to the Crown of England: "It must be considered that she is not only called to it [the restitution of

[1] *Parliamentary History*, vol. i. p. 298.

her Kingdom to the obedience of the Pope] by the rewards of a future life, but also by those of the present world, inasmuch as, failing the support of the Holy See, she would not be legitimate heir to the Crown, for the marriage of her mother was not valid but by a dispensation of his Holiness; so that obedience to the Holy See is necessary to secure her power, since upon it depends her very claim to the crown." [1]

A learned Roman Catholic priest, the Rev. Charles O'Conor, D.D., who wrote early in the nineteenth century, states that: "Though Queen Mary was a Catholic, and a gloomy and persecuting bigot she was, whom every Irishman must abhor, yet Paul IV. menaced to depose her, because she had dared to assume the title of 'Queen of Ireland' without his consent! He said that it belonged to him alone to erect new Kingdoms, or abolish the old; that Ireland was, by human and Divine right, the property of the Holy See; that he was the successor of those who deposed Kings and Emperors; and that no Monarch should pretend to an equality with him! With his feeble limbs, for now he was about eighty years old, he stamped the boards of the Vatican, 'And all Olympus trembled at his nod'! The Queen's Ambassadors threw themselves at his feet, and he admitted her title, on condition only that it should be assumed from his concession, and that Peter's Pence, and all the ancient emoluments of Rome, should be restored." [2]

On the afternoon of July 13, 1556, the Venetian Ambassador at Rome had an interview with Pope Paul IV. The Pope then said to him: "If compelled to wage war, as we suspect, owing to the deceitful nature of these Imperialists, we, without the slightest scruple, by a legitimate process, and by a sentence so tremendous that it will darken the sun, shall deprive the Emperor and the King of England, as our vassals who have perpetrated felony and rebellion, of all their realms, releasing the inhabitants from their oath of allegiance, giving part of their territories to those who

[1] *Calendar of Foreign State Papers*, 1553–1558, p. 21.

[2] *An Historical Address*, by the Rev. C. O'Conor, D.D. (1812), part ii. pp. 196, 197.

shall occupy them." [1] A few months later the Pope again spoke to the same Ambassador on the same subject, when he once more put forth his claim to the temporal dominion, not only of England and Ireland, but also of the Kingdoms of Naples and Sardinia. And this is what the Pope said on this occasion: "The truce was made for ten days and then prolonged for forty, although the Duke of Alva wished to have it for a longer term (as our Cardinal will have told you in detail) to enable him to advise Philip his King about these things, and to receive his reply and decision, which we pray the Lord God (who can do what to us seems impossible) to inspire them to form according to their duty, granting them such repentance of their very grievous error, and causing them to make such amends as to put it in our power, without detracting from our dignity, to pardon and absolve them from the censures they have incurred, restoring them *in integrum* what they have forfeited, for they are deprived, not only of the fiefs of the Church, which are the Kingdoms of Naples, Sardinia, England, Ireland, and of so many privileges in Spain, conceded to them by the prodigality of our predecessors (God forgive them for it), and which yield more than the Kingdom (of Naples), but, moreover, of all that they have and possess in the world; and moreover, they are unworthy to remain on the earth." [2]

This utterly unjust claim was again put forward in 1580 by Pope Gregory XIII., in the treaty into which he then entered with the King of Spain and the Grand Duke of Tuscany against England, the third article of which was as follows: "That His Holiness, as Sovereign Lord of the Island (England), will grant to the Catholic Nobles of the Kingdom to elect a Catholic Lord of the Island, who, under the authority of the Apostolic See, will be declared King, and who will render obedience and fealty to the Apostolic See, as other Catholic Kings have done before the time of the last Henry." [3]

Pope Sixtus V. renewed the claim in 1587. The Venetian Ambassador in Rome, writing on June 27, 1587, stated

[1] *Calendar of Venetian State Papers*, vol. vi. part i. p. 521.
[2] *Ibid.*, vol. vi. part ii. p. 838.
[3] *Ibid.*, vol. viii. p. 650.

that : " The Pope has taken occasion to say that if the King of Spain will undertake the enterprise against England, he will furnish him, on the landing of troops in that Kingdom, 600,000 crowns, and 70,000 a month as long as the war lasts, but on condition that the nomination to the Crown of England should rest with the Pope, and that the Kingdom of England be recognised as a fief of the Church." [1]

Sir John Throckmorton, a Roman Catholic Baronet, writing in 1791, remarks : " Mr. Milner cannot have forgotten that ever since the schism of Henry VIII., the ambition of Rome has claimed the Imperial Crown of England, as one of her feudatory dependencies." [2]

It may be useful here to mention that on December 5, 1301, Pope Boniface VIII. wrote to the French King, claiming that country also as subject to him in temporals as well as spirituals. The King, Philip IV., in reply sent the Pope a severe and just snubbing. This was the Pope's letter :—

" Boniface, Bishop, and servant to God's service, to Philip, King of the French. Fear God, and observe His commandments. We will thee to understand, that thou art subject to us both in spiritual things and temporal, and that the giving of benefices or prebends belongeth not unto thee : and if thou have the keeping of any being vacant, thou must reserve the fruits thereof for the successors. But if thou have given any away, we judge the gift to be void, and revoke, so far as thou hast proceeded. And whosoever believeth otherwise, we judge them heretics."

This Pontifical letter brought forth the subjoined crushing reply :—

" Philip, by the grace of God King of France, to Boniface, bearing himself for Chief Pontiff, *little health or none. Let thy extreme foolishness know*, that in temporal things we are subject to no man ; that it belongeth to us by Royal prerogative to give vacant churches and prebends, and to make the fruits thereof our own during the vacancy ; and that the gifts of prebends and benefices, made and to be made by us, were and shall be good, for the past and future ; and that we shall defend manfully the possessors of the said benefices against all men. *And them that believe otherwise we think fools and mad men.*" [3]

[1] *Calendar of Venetian State Papers*, vol. viii. p. 288.

[2] *A Second Letter to the Catholic Clergy of England*, by John Throckmorton, Esq. (afterwards Sir John), London, 1791, p. 42.

[3] Foxe's *Acts and Monuments*, vol. ii. pp. 590, 591, edition 1854.

Great complaints were, in the year 1307, heard from the Nobles of England, protesting against the extortions of an Italian priest named William Testa, who had come into England with Bulls from the Pope, in which he reserved to himself the first fruits of the first year of all Churches being vacant at any time or by any man, and also demanded large sums of money from the Monasteries. Naturally enough, the Nobles looked upon such extortions as nothing better than robbery, and the King was evidently of the same opinion. It was high time that some disabilities should be imposed on the Pope as to such claims, and therefore, at a Parliament held in Carlisle the same year, Testa was forbidden to continue his evil work. A Statute was also passed (35 Edward I., stat. 1, cap. 2) by this Parliament forbidding the rulers of any Monastery or Priory in England sending any taxes across the seas to the Pope. It was, however, provided, that the heads of any of the Religious Orders located in England, who might happen to reside abroad, should have permission to visit the English Monasteries, and hold visitations of them; but these foreign visitors were expressly forbidden, when they returned to the Continent, to take any of the goods or property of those Monasteries with them out of England. It was enacted:—

"That no Abbot, Prior, Master, Warden, or other Religious person, of whatsoever condition, state, or religion he be, being under the King's power or jurisdiction, shall by himself, or by merchants or others, secretly or openly, by any device or means, carry or send, or by any means cause to be sent, any tax imposed by the Abbots, Priors, Masters, or Wardens of Religious Houses, their Superiors, or assessed amongst themselves, out of his Kingdom or his Dominion, under the name of rent, tallage, or any kind of imposition, or otherwise by way of exchange, mutual sale, or other contract howsoever it may be termed; neither shall they depart into any other country for visitation, or upon any other colour, by that means, carry the goods of their Monasteries and Houses out of the Kingdom and Dominion aforesaid. And if any shall presume to

offend this present Statute, he shall be grievously punished according to the quality of his offence, and according to his contempt of the King's prohibition.

"Moreover, our aforesaid Lord the King inhibits all and singular Abbots, Priors, Masters and Governors of Religious Houses and places, being aliens, to whose authority, subjection, and obedience the Houses of the same Orders in his Kingdom and Dominion be subject, that they do not at any time hereafter impose, or by any means assess, any tallages, payments, charges, or other burdens whatsoever, upon the Monasteries, Priories, or other Religious Houses, in subjection to them, as is aforesaid, and that under forfeiture of all that they have or can forfeit. . . .

"But it is not the meaning of our Lord the King to exclude the Abbots, Priors, and other Religious aliens, by the ordinances and Statutes aforesaid, from executing their office of visitation in his Kingdom and Dominion; but they may visit at their pleasure, by themselves or others, the Monasteries or other places in his Kingdom and Dominion in subjection unto them, according to the duty of their office, in those things only that belong to regular observance, and the discipline of their Order.

"Provided, that they which shall execute this office of visitation, shall carry, or cause to be carried, out of his Kingdom or Dominion, none of the goods or things of such Monasteries, Priories, and Houses, saving only their reasonable and competent charges." [1]

Lingard, the Roman Catholic historian, states that, in addition to passing this Act of Parliament, writs were directed to the sheriffs, to arrest all persons who had been employed by Testa, and to bring them before the King on such a date, to answer the complaints of the aggrieved. He adds that in the whole of this transaction the King acted a double part, for after all that had been done, he gave Testa and his associates, solely on his own Royal authority, permission to go on with their work of collecting money for the Pope; but that, shortly afterwards, the law officers took

[1] Gee and Hardy's *Documents Illustrative of English Church History*, pp. 93–95.

up the question. They said it was not in the King's power to surrender the rights of the Crown, and that consequently the King's protection of such illegal conduct was of no force. The Papal agents appealed against this decision to the King himself, who now, however, turned against them, and ordered them to obey the Act of Parliament quoted above.[1] Sir Edward Coke states that, during the reign of Edward I. (1272–1307), an English subject brought into Court against another subject a Bull of Excommunication, and published it. "This," writes Coke, "was by the ancient common law of England adjudged High Treason against the King, his Crown and dignity, for the which the offender should have been drawn and hanged; but at the great instance of the Chancellor and Treasurer, he was only abjured the realm for ever."[2] The same learned authority reports that Edward I. presented a clergyman to a benefice in the Province of York, but the Archbishop of York refused to admit him to the living. An action was, thereupon, brought by the King against the Archbishop, who pleaded that the Pope, by his supreme authority, had previously, by a Bull, appointed another clergyman to the benefice, who was already in possession. "For which high contempt of the King," says Coke, "his Crown and dignity, in refusing to execute his Sovereign's commandment, fearing to do it against the Pope's Provision, by judgment of the common law, the lands of his whole Bishopric were seized into the King's hands, and lost during his life; which judgment was also before any Statute or Act of Parliament was made in that case. And there it is said, that for the like offence, the Archbishop of Canterbury had been in worse case by the judgment of the sages of the law, than to be punished for a contempt, if the King had not extended grace and favour to him."[3]

[1] Lingard's *History of England*, vol. iv. pp. 152, 153, edition 1837.
[2] Coke's *Reports*, vol. iii. p. xxxiii., edition 1826. [3] *Ibid.*, p. xxxiv.

CHAPTER V

EDWARD III.

Papal Provisions and Reservations—The Remonstrance of Parliament—Parliament asks Edward III. to "forcibly Expel the Papal Power from England"—The Letter of Protest from Parliament to the Pope—The Pope's Letter of Complaint—Edward III.'s Indignant Letter to the Pope—Parliament orders that during War, no Person shall "transmit Money to the Pope"—House of Commons' Petitions to the King—The First Statute of Provisors—An Act against Purchasing Church Dignities and Livings from the Pope—The First Statute of Præmunire Forbidding Appeals to Rome.

As the years went on, Papal encroachments and extortions continually increased until, in the year 1343, it was found necessary to bring the subject once more before Parliament, which met in Westminster on the 23rd of April. At this Parliament the Commons complained bitterly of the Provisions and Reservations coming from the Court of Rome, whereby the Pope took up beforehand the future vacancies of ecclesiastical dignities *for aliens*, and such as had nothing to do with the Realm of England.

"A 'Provision,'" writes Mr. Greenwood, "in technical acceptation, was an annuity or rent-charge out of any ecclesiastical estate for the benefit of any dignitary or client of the Holy See. A 'Reservation' was a similar invasion of public or private right without a specific *designatio personæ*, so as to keep the benefice open until it suited the Pope to appoint to it; *the latter taking the revenue during vacancy*." [1]

The Commons remonstrated with the King on the manifold inconveniences which ensued thereby, and mentioned especially the decay of hospitality, the transporting abroad of the treasure of the Realm to the maintenance of the King's mortal enemies; the discovery of the secrets of the Kingdom, and the utter discouragement, disabling and impoverishment of scholars, natives of England. They

[1] *Cathedra Petri*, book xiv. p. 546, *note*.

asserted, further, that the Pope had secretly granted unto two new foreign Cardinals sundry livings within the Realm of England, and, particularly, that he had given to the Cardinal of Perigort, above 10,000 marks yearly. In conclusion, they humbly required the King and Lords to find a remedy for these intolerable encroachments; they boldly asserted that "they neither could nor would any longer bear these heavy oppressions," and they desired that if the Pope did not cease his extortions, "that his Majesty and the Lords would *help them forcibly to expel the Papal power out of the Realm.*" The King, in reply, assured them of his willingness to consent to any reasonable remedy, and he requested them to deliberate with the Lords and Commons as to what was best to be done.[1] As a result of these deliberations a letter was addressed to the Pope, Clement VI., in the name of "the Princes, Dukes, Earls, Barons, Knights, Citizens, Burgesses, and all the Commonalty of the Realm of England," complaining bitterly of the conduct of the Court of Rome towards England. They mentioned that the Kings of England had established, founded, and endowed Cathedrals, Colleges, Abbeys, Priories, and Religious Houses, whereby the service of God might be honoured, and Hospitals, Almshouses, and Colleges were maintained, and the poor aided and nourished. The letter proceeded to tell the Pope :—

"And forasmuch, most Holy Father, as you cannot well attain the knowledge of divers such errors and abuses as are crept in among us; nor yet be able to understand the conditions and customs of places, being yourself so far distant, unless your Holiness be of others duly informed and instructed: We, therefore, having full and perfect notice and intelligence of all the errors and abuses of the said places within the said Realm, have thought fit to signify the same unto your Holiness, namely, that divers Reservations, Provisions, and Collations by your Apostolic predecessors of the Church of Rome, and by you also in your time, most Holy Father, have been granted, and now more illegally than heretofore, unto divers persons, as well strangers and

[1] *Parliamentary History*, vol. i. p. 253.

of other nations, as unto some who are our professed enemies, and who have little or no understanding at all of our language, and of the conditions and customs of those of whom they have the government and cure: whereby a great number of souls are in peril, many of the parishioners are in danger, the service of God neglected, the alms and devotion of all men diminished, the Hospitals brought to decay, the Churches with their appurtenances ruined and dilapidated; Charity waxeth cold, the good and honest natives of our own country unadvanced, the charge and cure of souls unregarded, the pious zeal of the people restrained, many poor scholars of our own unpreferred, and the treasure of the Realm exported, against the mind and intention of the Founders.

"All which errors, abuses, and slanders, most Holy Father, we neither can nor ought any longer to suffer or endure. Wherefore, we must humbly require your Holiness, that the slanders, abuses, and errors which we have declared unto you, may of your own great prudence be thoroughly considered; and that it may please you that such Reservations, Provisions, and Collations may be utterly repealed; that the same from henceforth be no more used among us; and that such order and remedy be forthwith taken therein, that the said Benefices, Edifices, Offices, and rights, with their appurtenances, may by our countrymen, to the honour of God, be supplied, occupied, and governed. And that it may further please your Holiness, by your letters, to signify unto us without delay, or further protracting of time, what your pleasure is touching this lawful request and demand; that we may diligently do our duty herein, for the remedy, correction, and amendment of the enormities above specified.

"In witness whereof unto these Letters Patent we have set our hands and seals.

"Given in full Parliament at Westminster the 18th day of May, Anno Domini, 1343." [1]

It will be observed that this important letter was not addressed to the Pope as unto one who had a legal right to dispose of the property of the Church of England. It was,

[1] *Parliamentary History*, pp. 255, 256.

rather, an appeal to his sense of common justice and honesty, asking him to voluntarily put an end to the evils which he and his predecessors had perpetrated. Unfortunately it failed to move the Pope to give up his outrageous claims. After waiting some months the Pope sent a reply addressed to the King, in which he conceded nothing, but bitterly complained of the way two of his Cardinals had been treated, to whom he had given valuable ecclesiastical offices in England. One of them was the Cardinal of St. Anastasia, and the other the Cardinal of St. Sabina. These Cardinals had sent their officers to England to collect for their employers the money alleged to be due to them for their benefices, given to them by the Pope. "When," wrote the Pope, "they began there [in England] to pursue the business of their said Lords, (they) were not only hindered in their said business by the King's subjects and officers, but also confined; and after that in a very disgraceful manner ejected the said Kingdom . . . whereby they have, to the great hazard of their souls, rendered themselves liable to excommunication, and other punishments and sentences promulgated against such persons by the Canons." In conclusion, the Pope requested the King to put a stop in the future to such treatment of the Cardinals' agents in England. On the same day the Pope wrote a similar letter to the Privy Councillors of the King, urging them to put pressure on his Majesty in favour of the said Cardinals. But not a word did the Pope say, in either letter, about the remonstrance he had received from the Parliament of England against Papal encroachments and extortions. It does not appear that the King's Council replied to the Pope's audacious letter; but the King replied at once, in an outspoken and brave letter, which does him great honour.

"We nothing doubt," wrote Edward III., "but that it is now publicly known, how from the very first use of Christianity in our Kingdom of England, our progenitors, the Kings of England, and the Lords and other subjects of the said Realm have, for the augmentation of Divine worship, built Churches, enriched them with ample possessions, and endowed them with large privileges, placing fit Ministers therein, who have (not without

success) preached the Catholic faith to the people in their mother tongues; by whose care and diligence the vineyard of the Lord of Sabaoth hath wonderfully prospered both in culture and fruit. But now, which is to be lamented, the slips of this very vine are degenerated into wild-vine, and the boar out of the wood doth waste it, and the wild-beast of the field doth devour it. While by the impositions and Provisions [1] of the Holy See (which now grow more insupportable than ever) its own proper goods, against the pious intent and appointment of the donors, are held in the hands of the unworthy, and especially of foreigners; and its dignities and chief benefices are conferred upon strangers, who for the most are persons, at least, suspected unto us, and who neither reside on the said benefices, nor know the face, nor understand the voice of the flock committed unto them; but wholly neglecting the cure of souls, like hirelings, only seek their own profit and temporal advantage. And so the worship of Christ is impaired, the cure of souls neglected, hospitality withdrawn, the rights of the Churches lost, the houses of the clergy dilapidated, the devotion of the people extinguished, the clergy of the said Kingdom, who are men of great learning and honest conversation, and are both able and willing effectually to perform the work of Ministers, and would also be very fit for our and the public service, forsake their studies, because the hope of a reasonable preferment is thus taken away.

"Which things, we know, can be no ways acceptable to the Divine pleasure, but will most certainly prove a mighty pre-

[1] Tyrrell, in his *History of England*, vol. iii. p. 811 (London, 1704), prints the actual text of a Papal Provision and Reservation. After reading it we need not wonder that our Roman Catholic forefathers found it necessary to pass many Acts of Parliament against such Provisions and Reservations. Here is the document:—

"John, Bishop, &c., Servant of the Servants of God, to the perpetual memory hereof. Whereas we have understood that the Church of Rochester, by the death of Thomas, Bishop thereof, is at present become void: We, for the good estate of the Church, intending the Provision of it, for this turn, for certain causes that have persuaded us so to do, have, by the authority of these presents, fully Reserved it to the ordinance and disposition of the Apostolic See, decreeing that whatsoever shall be done, and by whomsoever, knowingly or ignorantly, contrary to this Reservation, it shall be void. It may not, therefore, any way be lawful for any man to infringe this our Reservation and Constitution, or rashly attempt to do anything against it. And if any one shall presume to attempt any such thing, he shall know that he incurs the indignation of Almighty God, and of his Apostles St. Peter and St. Paul.

"Dated at Avignon, the 18th day of March, in the first year of our Pontificate [*i.e.* 1316]."

judice and unspeakable calamity both to us and our subjects, unless we take more sound and speedy care in this matter. For the right of Patronage, which we and our subjects have in these benefices, is thereby infringed; our Court, in which only cases concerning the right of Patronage to the said benefices ought to be discussed, is deluded; and so the rights of our very Crown are both shamefully, and to our great detriment, invaded; the treasure of our Kingdom exported to foreigners, not to say our enemies, perhaps with this subtle intent; that thus the priesthood of the Kingdom being depressed, and its wealth exhausted, the realm itself may be rendered more weak against the storms of adversity. All which incommodities, together with others, which follow from the premises, were lately manifest unto us in our Parliament, by the community of the said Realm, together with their unanimous and earnest petition subjoined, that we would speedily prevent the foresaid miseries, which seem utterly insupportable to our said community.

"We, therefore, by this their representation plainly beholding the depression of the Church of England, and the disherison of our Crown, with all the foresaid evils which, if longer dissembled, would probably very much increase, do now refer them unto you, who are the successor of the Prince of the Apostles, who received command from Christ to *feed*, and not to *shear* the Lord's sheep, and to *confirm*, and not *depress* his brethren; heartily requesting that, duly weighing and considering the premises; how of right magistrates are to be created from among the people, and that, according to the saying of the Prophet, 'They shall make vine-dressers of the people from the same place'; which we read to have been the practice of the blessed Apostles, when they set over the converted heathen persons who had knowledge of their tongues. And also remembering the exuberance of devotion wherewith our Royal Family, and the clergy and the people of our said Kingdom, have hitherto continued in the obedience of the said See. Wherefore your paternal affection ought not to heap burdens and grievances upon them; but rather, as a father who lays up for his children, to alleviate the weight of the said impositions and Provisions and burdens, which thus arise from the Apostolic See: permitting further, that Patrons may not lose their right of Patronage, and that the Cathedral and other Churches of the said Kingdom may have their free elections, and the effects thereof. Which Churches our said progenitors have long since, upon each of their vacations, freely, of their Royal prerogative conferred on fit persons; and afterward, at the request and instance of the said See, have under certain forms and conditions granted, that

the elections should be made in the said Churches by the Chapters of the same ; which grant was also on due deliberation confirmed by the Apostolic See.

" But yet now, against the form of the concession and confirmation of the said Churches, the said See, by these her Reservations and Provisions, doth take away the said elections from the said Chapters, and from us also our right and prerogative which, according to the form of the said concession, belong unto us in this part : wherefore by the law of our said Kingdom, since the conditions of our grant are not observed, the concession itself is resolved unto us again, and the whole state of the matter reverts to its original.

" Upon the premises, therefore, we pray that your goodness would vouchsafe, to the honour of God and the salvation of souls, and also to take away the foresaid scandals and prejudices, to provide a speedy and wholesome remedy ; that we and our subjects who desire, as we ought, to revere your most holy person, and the Holy Roman Church (these intolerable evils being once removed) may rest in the sweetness of your fatherly love, and that our devotion may flourish again, being refreshed by the clemency of your pious moderation extended unto us. The Most High preserve you in the government of His Church many and happy days.

" Given at Westminster, the 26th of September, in the fourth year of our reign of France, and of England the seventeenth." [1]

But the Pope would not give way, and selfishly persisted in what must be termed his dishonest course of action. But Edward III. was equally firm on the side of justice, and of the interests of his country. He waited a time, however ; but at last he called a Parliament, which met at Westminster in 1346, at which he took into his own hands (no doubt thus making the Pope very angry) all the profits, revenues, and other emoluments which the foreign Cardinals and other foreign clergy held within England, for he thought it unreasonable that those who favoured the Pope and the French King, his enemy, should enjoy any such promotion or advantage in his Realm. In the following year Parliament enacted " that during the wars no person do send or transmit money to the Pope, or to any Bishop or other alien whatsoever, for any duty whatsoever " ; and

[1] *The History of King Edward the Third,* by Joshua Barnes, pp. 275–278.

also that "no person bring into the Realm to any Bishop, or other, any Bull, or other Letters from the Court of Rome, or from any alien; unless he first show the same to the Lord Chancellor, or to the Warden of the Cinque Ports, on loss of all that he hath." [1]

In the Parliament held at Westminster in 1347, the House of Commons presented several petitions to the Prince Regent (the King being abroad), and by him they were answered in the King's name. Of these the following related to the subject before us :—

"*Petition.* That all alien Monks do avoid the Realm by Michaelmas, and that their livings be disposed of to young English scholars. And that such aliens, enemies, as are advanced to livings (they being in their own countries but shoemakers, tailors, or chamberlains of Cardinals), may depart the Realm before Michaelmas, and their livings bestowed on poor English scholars.

"*Answer.* That the persons being spiritual were not to be tried by Parliament; and that their livings being in the King's hands, were not without him to be disposed of."

"*Petition.* That the King may take the profits of all other strangers' livings, as Cardinals, and others, during their lives.

"*Answer.* The King doth take their profits, and the Council have sent their petition to his Majesty."

"*Petition.* That foreign Provisors, or aliens buying Provisions, do quit the Realm by Michaelmas, on peril of being outlawed.

"*Answer.* The Statute heretofore made shall be observed; and the King shall signify the same to the Pope."

"*Petition.* That all Friars, aliens, should depart from the Realm, never to return hither again.

"*Answer.* Order shall be taken with every General of all the Houses of Friars, so to look to all Friars, aliens, under their several charges, as that they shall not be able to disclose the secrets of the Realm." [2]

But, notwithstanding all the efforts of King and Parliament, the evils complained of continued. Though checked

[1] *Parliamentary History*, vol. i. p. 266.
[2] *Ibid.*, pp. 265, 266.

here and there, something more effectual was needed to disable the Pontifical encroachments on the rights and property of the Church of England. The laity of England was practically unanimous in demanding redress of their grievances, and all parties united, in 1350, in passing the first Statute of Provisors, from which I now proceed to give the following lengthy extracts :—

"Whereas the Holy Church of England was founded in the estate of Prelacy, within the Realm of England, by the said grandfather [of the King] and his progenitors, and the Earls, Barons, and other nobles of the said Realm, and their ancestors, to inform them and the people of the law of God, and to make hospitalities, alms, and other works of charity, in the places where the Churches were founded, for the souls of the founders, their heirs, and all Christians ; and certain possessions, as well in fees, lands, rents, as in advowsons, which do extend to a great value, were assigned by the said founders to the prelates and other people of the Holy Church of the said Realm, to sustain the same charge, and especially of the possessions which were assigned the Archbishops, Bishops, Abbots, Priors, Religious, and all other people of Holy Church, by the Kings of the said Realm, Earls, Barons, and other great men of his Realm ; the same Kings, Earls, Barons, and other nobles, as lords, and advowees, have had and ought to have the custody of such voidances, and the presentments, and the collations of the benefices being of such prelacies.

"And the said Kings in time past were wont to have the greatest part of their Council, for the safeguard of the Realm when they had need, of such prelates and clerks so advanced ; the Bishop of Rome, accroching to him the seigniories of such possessions and benefices, doth give and grant the same benefices *to aliens*, which did never dwell in England, and to Cardinals, which might not dwell here, and to other as well aliens as denizens, as if he had been patron or advowee of the said dignities and benefices, as he was not of right by the law of England ; *whereby if they should be suffered, there should scarcely be any benefice within a short time in the said Realm, but that it should be in the hands of aliens* and denizens by virtue of such Provisions, against the goodwill and disposition of the founders of the same benefices. . . .

"And now it is showed to our Lord the King in this present Parliament holden at Westminster, at the *utas* of the Purification of our Lady, the five and twentieth year of his reign of

England, and of France the twelfth, by the grievous complaints of all the Commons of his Realm, that the grievances and mischiefs aforesaid do daily abound, to the greater damage and destruction of all his Realm of England, more than ever were before, viz :—that now or late the Bishop of Rome, by procurement of clerks and otherwise, hath Reserved, and doth daily Reserve to his collation, generally and especially, as well Archbishopricks, Bishopricks, Abbeys, and Priories, as all other dignities and other benefices of England, which be of the advowry of people of Holy Church, and give the same as well to aliens as to denizens, and taketh of all such benefices the first-fruits, and many other profits, *and a great part of the treasure of the said Realm is carried away and dispended out of the Realm, by the purchasers of such benefices* and graces aforesaid; and also by such privy Reservations many clerks advanced in this Realm by their true patrons, which have peaceably holden their advancements by long time, be suddenly put out. . . .

"And in case that Reservation, Collation, or Provision be made by the Court of Rome, of any Archbishoprick, Bishoprick, dignity, or other benefice, in disturbance of the free elections, Collations, or presentations aforenamed, that at the same time of the voidance, that such Reservations, Collations, and Provisions ought to take effect, our Lord the King and his heirs shall have and enjoy for the same time the Collations to the Archbishopricks, and other dignities elective, which be of his advowry, such as his progenitors had before that free election was granted, since that election was first granted by the King's progenitors upon a certain form and condition, as to demand licence of the King to choose, and after the election to have his Royal assent, and not in other manner; which conditions not kept, the thing ought by reason to resort to his first nature.

"And if any such Reservation, Provision, or Collation be made of any House of Religion of the King's advowry, in disturbance of free election, our Sovereign Lord the King, and his heirs, shall have for that time the Collation to give this dignity to a convenient person. And in case that Collation, Reservation, or Provision be made by the Court of Rome, of any Church, Prebend, or other benefices, which be of the advowry of people of Holy Church, whereof the King is advowee paramount immediate, that at the same time of the voidance, at which time the Collation, Reservation, or Provision ought to take effect as afore is said, the King and his heirs thereof shall have the presentment or Collation for that time. . . .

"And in case that the presentees of the King, or the presentees of other patrons of Holy Church, or of their advowees, or they to

whom the King, or such patrons or advowees aforesaid, have given benefices pertaining to their presentments or Collations be disturbed by such Provisors [*i.e.* from the Court of Rome], so that they may not have possession of such benefices by virtue of the presentments or Collations to them made, or that they which be in possession of such benefices, be impeached upon their said possessions by such Provisors; then the said Provisors, their Procurators, Executors, and Notaries, shall be attached by their body, and brought in to answer; and if they be convict, they shall abide in prison without being let to mainprise or bail, or otherwise delivered, till that they have made fine and ransom to the King at his will, and gree to the party that shall feel himself grieved. And nevertheless, before that they be delivered, they shall make full renunciation and find sufficient surety that they shall not attempt such things in time to come, nor sue any process by them, nor by other, against any man in the Court of Rome, nor in any part elsewhere, for any such imprisonments or renunciations, nor any other thing depending of them."

As a supplement to this important Statute of Provisors it was found necessary, in the same Parliament, to pass the following brief but powerful Act (25 Edward III., stat. 5, cap. 22), against purchasing Church dignities and livings from the Court of Rome :—

"Because that some do purchase in the Court of Rome Provisions to have Abbeys and Priories in England, in destruction of the Realm, and of holy religion : It is accorded that every man that purchaseth such Provisions of Abbeys and Priories, that he and his executors and procurators, which do sue and make execution of such Provisions, shall be out of the King's protection. And that a man may do with them, as of enemies of our Sovereign Lord, the King, and his Realm. And he that offendeth against such Provisors in body or in goods, or in other possessions, shall be excused against all people, and shall never be impeached nor grieved for the same at any man's suit."

Sir Edward Coke states that by this law "every man might lawfully kill such an offender as a common enemy against the King and his country, so heinous were such offences then holden." [1]

[1] Coke's *Reports*, vol. iii. p. xli.

It was not, however, enough to pass this Statute of Provisors. By it the Pope was forbidden to perpetrate injustice within the Realm of England; but by the first Statute of Præmunire, which was passed in 1353, the subjects of the King residing in England were forbidden to appeal to Rome for justice, under severe penalties, and were ordered to be content with justice as administered by the King's Courts at home. By this Act (27 Edward III., stat. 1, cap. 1) it is provided that :—

"Because it is shown to our Lord the King, by the grievous and clamorous complaints of the great men and Commons, how that divers of the people be, and have been drawn out of the Realm to answer for things, whereof the cognisance pertains to the King's Court; and also that judgments given in the same Court be impeached in another Court, in prejudice and disherison of our Lord the King, and of his Crown, and of all the people of his said Realm, and to the undoing and destruction of the common law of the said Realm at all times used.

"Whereupon, good deliberation being had with the great men and others of his said Council, it is assented and accorded by our Lord the King, and the great men and Commons aforesaid, that all the people of the King's allegiance, of what condition that they be, which shall draw any out of the Realm in plea, whereof the cognisance pertaineth to the King's Court, or of things whereof judgments be given in the King's Court, or which do sue in any other Court, to defeat or impeach the judgments given in the King's Court, shall have a day, containing the space of two months, by warning to be made to them . . . to appear before the King and his Council, or in his Chancery, or before the King's Justices in his places of the one Bench or the other . . . to answer in their proper persons to the King, of the contempt done in this behalf. And if they come not at the said day in their proper persons to be at the law, they, their procurators, attornies, executors, notaries, and maintainers shall from that day forth be put out of the King's protection,

and their lands, goods, and chattels forfeit to the King, and their bodies, wheresoever they may be found, shall be taken and imprisoned, and ransomed at the King's will: And upon the same a writ shall be made to take them by their bodies, and to seize their lands, goods, and possessions, into the King's hands; and if it be returned that they be not found, they shall be put in exigent and outlawed."

CHAPTER VI

EDWARD III.—RICHARD II.

Another Conflict between Church and State—The King forbids under Pain of Death the Importation of Papal Letters, Citations, and Excommunications—An Act against Receiving Citations from Rome—The Bishop of Chichester punished for Procuring a Citation from the Pope—A List of Dignities and Livings held by Foreigners appointed by the Pope—The Parliament's Complaint of Papal Taxations—The King protects the Florentines against the Pope's Wrath—Legal Decisions on Papal Encroachments in King Edward III.'s Reign—An Act forbidding Aliens to Purchase or Occupy Livings in England.

In the year 1358 occurred another conflict between the State and the Church, in which the latter was defeated and humiliated. It originated in a great quarrel between Thomas de Lisle, Bishop of Ely, and Lady Blanche Plantagenet, sister to Henry, Duke of Lancaster. It seems that the Bishop's men-servants burnt a Manor House belonging to this widow, and murdered one of her men. Very naturally and properly she appealed to the King for justice against the Bishop. The King sent two of his Judges, Sir Henry Green and Sharesbull, and others to make inquisition into the case. They summoned the Bishop before them, and in the end declared that he was altogether culpable in the matter, and that he had even knowingly harboured the murderer, thus shielding him from justice. As a punishment the Judges declared that the Bishop's temporalities should be seized for the use of the King, and he was compelled to give securities for his appearance when called upon. But instead of obeying the judgment, the Bishop hurried off to Avignon, where the Pope then resided, to whom he bitterly complained that the King had usurped the rights of the Church, by seizing the temporalities of the See. The Pope listened to his complaints readily enough, and then issued a Bull requiring the King's Judges to appear at the Papal

Court as culprits to answer for their alleged misdeeds in giving such a judgment. Of course they refused to appear, whereupon the proud Pope declared them excommunicated. He sent the excommunication to the Bishop of Lincoln, with orders to publish it, and if he found that any of those excommunicated were dead, he should see to it that they were dug out of their graves, and cast out of the churchyard. It so happened that two of them were dead, namely, Sir Simon Drayton and the Lord John Engain. The Bishop succeeded in getting the former thrown out of his grave, but the son of the latter used force, and thus prevented the outrage on his father's body. The King was very angry, and because some of the excommunicated were members of his Privy Council, he issued a proclamation to the effect that thereafter no man should presume, under pain of death, to bring into the Realm, or to procure, or to publish any Papal letters, citations, excommunications, or censures. Some of the Bishop of Ely's servants were imprisoned in the Tower of London, and others of them in Newgate, for presuming, contrary to the King's prohibition, to deliver to the Bishop of Rochester letters from the Pope, and it is said they remained in prison until their deaths.[1] Holinshed says that some of the Bishop's servants "suffered death on the gallows."[2]

Once more, in the thirty-eighth year of his reign, Edward III. complained to his Parliament of the extortions of the Papacy. He protested against appeals to the Pope on matters which ought to be finally settled in his Courts within the Realm of England. These had led to the spoiling of his Crown, the daily conveying away to Rome of the treasures of England, to the withdrawing of Divine service, alms, hospitality, and other good works, and to the daily increase of all mischiefs.[3] This complaint of the King led to the passing of the Act 38 Edward III., stat. 2, cap. 1, against receiving Citations from Rome in causes pertaining to the King, and imposing for such offences the penalties provided by 25 Edward III., stat. 6.

[1] Barnes' *History of King Edward the Third*, p. 551.
[2] Holinshed's *Chronicles*, vol. ii. p. 671.
[3] Cotton's *Records*, p. 100.

William de Lenne, Bishop of Chichester from 1362 to 1369, had a quarrel with the Earl of Arundel, which led to a contest between the State and the Church, in which the State gained a noteworthy victory. The Bishop, in open violation of the laws, procured a citation from the Pope ordering the Earl to answer in the Roman Court certain charges brought against him by the Bishop. When this came to the knowledge of the King he was highly indignant, and cited the Bishop to appear in his Court for his presumption in attempting to introduce a foreign tribunal into England. The Bishop was convicted; the temporalities of the Bishopric of Chichester were seized, and his personal goods and chattels were confiscated to the Crown.[1]

In the year 1374 King Edward III. directed writs to all the Bishops of England, requiring them to send him returns showing the number of dignities and benefices held in the Church of England by "Italians and other strangers," together with their yearly value. When the returns came in they showed that foreign Cardinals, who never resided in England, held the Deaneries of York, Lichfield, and Salisbury; the Archdeaconries of Suffolk, York, Dorset, Berks, Taunton, Canterbury, and Sarum, together with a large number of Prebendaries and parochial charges. These the Cardinals seem to have farmed out to those who would give them the most for them, pocketing the money for their own private use, and without doing a day's work for it. Surely it was time that disabilities were imposed against the perpetration of such scandalous abuses and wholesale robbery of the Church of England. If Englishmen had waited until the Papal Court put an end to such scandals, they would never have been stopped at all. The following list of dignities and livings held by these Cardinals is compiled from the official returns sent in to the King :—

Cardinal of St. Sabine,	Deanery of Lichfield . . .	500 marks
„ „	Prebend of Brewood . . .	80 marks
„ „	Parsonage of Adbaston . . .	£20 0 0
„ „	Prebend of Stransal	100 marks
Cardinal of St. Angelo,	Archdeaconry of Suffolk . . .	£66 13 4

[1] Hook's *Lives of the Archbishops of Canterbury*, vol. iv. pp. 405, 406.

Cardinal of St. Adrian, Parsonage of Godalming	£40 0 0
„ „ Deanery of Salisbury	£254 12 4
Cardinal of St. Peter ad Vincula, Deanery of York	£400 0 0
Cardinal of St. Mary in Porticu, Prebend of Driffield	£100 0 0
Cardinal of St. Sixt, Prebend of Wistow	£100 0 0
Cardinal of St. Praxed, Archdeaconry of York	£100 0 0
„ „ Prebend of Gillingham	£80 0 0
Cardinal of St. Mark, Treasurer of Salisbury Cathedral	£136 13 4
Cardinal of the Twelve Apostles, Archdeaconry of Dorset	103 marks
„ „ „ Prebend of Woodford	40 marks
Cardinal of Agrifolio, Archdeaconry of Berks	120 marks
„ „ Prebend of Worth	£100 0 0
„ „ Prebend of Heyworth	£80 0 0
„ „ Archdeaconry of Taunton	£80 0 0
„ „ Prebend of Corringham	£165 0 0
Cardinal of St. Mary in Cosmedin, Archdeaconry of Canterbury	700 florins
Cardinal Albanum, Prebend of Sutton	400 marks
Cardinal Glandaven, Prebend of Nassington	300 marks
Cardinal Nonmacen, Parsonage of Adderbury	£100 0 0
Cardinal de Yeverino, Prebend of Aylesbury	80 marks
Cardinal Neminacem, Archdeaconry of Sarum	(not named)
„ „ Parsonage of Alwardbury	(not named)
„ „ Prebend of Calne	£100 0 0
Cardinal Gebanen, Parsonage of Weymouth	200 marks

On June 25, 1376, Parliament met, when a long complaint against Papal usurpations was presented by the Commons to the King, who declared that they were the cause of all the plagues, injuries, famine, and poverty of the Realm. They asserted therein :—

"That the tax paid to the Pope of Rome for ecclesiastical dignities, doth amount to five fold as much as the tax of all the profits, as appertain to the King by the year, of this whole Realm ; and for some one Bishopric or other dignity, the Pope by translation and death hath three, four, or five several taxes. That the brokers of that sinful city for money promote many caitiffs, being altogether unlearned and unworthy, to a thousand Marks living yearly ; whereas the learned and worthy can hardly obtain twenty Marks, whereby learning decayeth. That aliens, enemies to this land, who never saw nor care to see their parishioners, have those livings, whereby they despise God's service, and convey away the treasure of the Realm, and are worse than Jews or Saracens. It is, therefore, to be considered that the law of the Church would have such livings bestowed for charity

only, without praying or paying. That reason would that livings, given of devotion, should be bestowed in hospitality. That God hath given his sheep to the Pope to be pastured, and not shorn or shaven. That there is none so rich a Prince in Christendom who hath the fourth part of so much treasure, as the Pope hath out of this Realm for Churches, most sinfully."

As a remedy for these evils the Commons suggested :—

"That no money be carried out of the Realm, by letters of Lombardy or otherwise, on pain of forfeiture and imprisonment, and to enact the articles hereinunder ensuing : The King hath heretofore by Statute provided sufficient remedy, and otherwise pursueth the same with the Holy Father, the Pope ; and so mindeth to do from time to time, until he hath obtained the same, as well for the matters before, as for the articles ensuing, they being in a manner all one. Then it was remonstrated that the Pope's Collector, and other strangers, the King's enemies, and only leiger-spies for English dignities, and disclosing the secrets of the Realm, ought to be discharged. That the same Collector, being also receiver of the Pope's Pence, keepeth an house in London, with clerks and officers thereunto belonging, as if it were one of the King's solemn Courts, transporting yearly to the Pope 20,000 Marks, and most commonly more. That Cardinals and other aliens remaining at the Court of Rome, whereof one Cardinal is Dean of York, another of Salisbury, another of Lincoln, another Archdeacon of Canterbury, another Archdeacon of Durham, another of Suffolk, and another Archdeacon of York, in the Diocese of York, have divers others the best dignities of England, and have sent over yearly to them 20,000 Marks, over and above that which English brokers lying here have. That the Pope to ransom Frenchmen, the King's enemies, who defend Lombardy for him, doth always at his pleasure levy a subsidy of the whole clergy of England. That the Pope for more gain maketh sundry translations of all the Bishoprics and other dignities within the Realm. That the Pope's Collector hath this year taken to his use the First Fruits of all benefices. That therefore it would be good to renew all the Statutes against Provisions from Rome, since the Pope reserveth all the benefices of the world for his own proper gift, and hath within this year created twelve new Cardinals, so that now there are thirty, whereas there were wont to be but twelve in all; and all the said thirty Cardinals, except two or three, are the King's enemies. That the Pope in time will give the temporal manors of dignities to the King's enemies, since he daily usurpeth

upon the Realm and the King's Regality. That all Houses and Corporations of Religion, which from the King ought to have free elections of their Heads, the Pope hath now encroached the same unto himself. That in all Legations from the Pope whatsoever, the English clergy beareth the charge of the Legates, and all for the goodness of our money. It also appeareth that, if the Realm were as plentiful as ever, the Collector aforesaid, with the Cardinals' Proctors, would soon convey away the same. For remedy whereof it may be provided, that no such Collector or Proctor do remain in England, upon pain of life and limb; and that on the like pain no Englishman become any such Collector or Proctor." [1]

In the year 1376 occurred a brief struggle between the Church (as represented by Courtenay, Bishop of London) and the State, in which the latter obtained a just victory. Pope Gregory XI. issued a Bull of Interdict against the Florentines, wherever they happened to reside in any part of the world. He was at that time at war with Florence. Now it so happened that a number of Florentine merchants were residing in England, doing extensive business, the King himself having considerable dealings with them. He, therefore, determined to protect them from the Pope's wrath. But although he issued a Royal mandate on the subject, Courtenay had the audacity to publish the Pope's Interdict at St. Paul's Cross, and to excommunicate every Florentine living in England! The King's Chancellor, therefore, determined on maintaining the just rights of the King, summoned the Bishop before him, and demanded from him to explain why he had published the Pope's Bull without the knowledge of the King and Council? "Because the Pope ordered it," was the blunt answer of the Bishop. But the Chancellor was not to be put down as easily as the Bishop seems to have expected. "Then choose," replied the Chancellor, "between suffering the confiscation of your temporalities, and recalling your words with your own mouth." The Bishop does not appear to have directly and formally recalled his words, though through a deputy he tried to explain them, but he recalled the Papal Interdict

[1] Barnes' *History of King Edward the Third*, pp. 887, 888; Cotton's *Records*, pp. 128–130.

and his excommunication, thus leaving the victory to the State.[1]

Sir Edward Coke reports that during the reign of Edward III. it was decided that: "An excommunication by the Archbishop, albeit it be disannuled by the Pope or his Legates, is to be allowed: neither ought the Judges give any allowance of any such sentence of the Pope, or his Legate." "The King presented to a Benefice, and his presentee was disturbed by one that had Bulls from Rome, for which offence he was condemned to perpetual imprisonment." It was also decided that: "An excommunication under the Pope's Bull, is of no force to disable any man within the Realm of England. And the Judges said that he that pleaded such Bulls, though they concern the excommunication of a subject, were in a hard case, if the King would extend his justice against him." "In an attachment upon a prohibition, the defendant pleaded the Pope's Bull of Excommunication of the plaintiff. The Judges demanded of the defendant if he had not the certificate of some Bishop within the Realm, testifying to the excommunication? To whom the counsel of the defendant answered that he had not, neither was it, as he supposed, necessary; for that the Bulls of the Pope under lead were notorious enough. But it was adjudged that they were not sufficient, for that the Court ought not to have regard to any excommunication out of the Realm. And therefore by the rule of the Court the plaintiff was not thereby disabled." "The Abbot of Waltham died in the 45th year of Edward III., and one Nicholas Morris was elected Abbot, who, for that the Abbey was exempt from ordinary jurisdiction, sent to Rome to be confirmed by the Pope. And because the Pope by his Constitutions had reserved all such collations to himself, he did recite by his Bull that he, having no regard to the election of the said Nicholas, gave to him the said Abbey, and the spiritualities and temporalities belonging to the same, of his spiritual grace, and at the request (as he feigned) of the King of England. This Bull was read and considered of in Council, that is, before all the Judges of

[1] *England in the Age of Wycliffe*, by G. M. Trevelyan, edition 1906, p. 79.

England, and it was resolved by them all, that this Bull was against the laws of England, and that the Abbot for obtaining the same was fallen into the King's mercy, whereupon all his possessions were seized into the King's hand, as more at large by the said case appeareth." [1]

It seems as though the authorities of the Realm must have been very neglectful of their duty in enforcing the laws against Papal extortions and encroachments, or there would have been no need for legislating so frequently on this sore grievance. Probably one reason for the continuance of these abuses is to be seen in those laws which, although they forbade Provisors and the introduction of Papal Bulls, and Papal Legates, yet gave permission to the King to give his consent to a continuance of the evils complained of, whenever he thought it desirable to do so. As a consequence several Kings made unworthy bargains with the Popes, to their own aggrandisement, but to the serious injury of the Church and people of England. In 1379 another lengthy Act (3 Richard II., cap. 3) was passed forbidding that any one should take any Benefice from an alien, or convey money to him. The Act did not mention the Pope by name, but it was certainly aimed against him, since it made it illegal for him, as an alien, to issue his Provisors, by which he bestowed English livings on foreigners. Four years later, another Act (7 Richard II., cap. 12) was passed making it illegal for any alien to either purchase or occupy a Benefice in England "withoút the especial grace and express licence of the King."

[1] Coke's *Reports*, vol. iii. pp. xxxvii.–xli.

CHAPTER VII

RICHARD II.—HENRY IV.

The Work of Wycliffe—The Government and People at first on Wycliffe's Side—The King asks Wycliffe's Opinion on Sending Treasure to the Pope—Wycliffe's Reply—National Demands for Fresh Restraints on the Papacy—The Bishops demand a New Law to Suppress the Lollards—How the Law was obtained by a Trick—Parliament summoned to consider the Injuries inflicted by the Court of Rome—The House of Commons petitions that First-fruits of Livings be paid to the King instead of the Pope—An Act against going to Rome for Benefices—Richard II. forbids the Bishops to pay Tithes to the Pope—Another Act against Provisors—The King's Proclamation against Papal Bulls—Archbishop Courtenay's Declaration against Papal Excommunications—A Statute that "mauled the Papal Power in England"—Why Richard II. was Deposed—Richard II. on the Crimes of the Popes.

THE great movement associated with the name of Wycliffe undoubtedly tended to increase English opposition to Papal extortions, as well as to certain doctrines of the Church of Rome. Wycliffe had widespread support amongst the laity, and his influence was felt, both politically and religiously, down to the Reformation. Mr. Trevelyan states that in the year 1377: "The Government and people of England were both on his (Wycliffe's) side. He was never in his life so strong as he was in this year, when he stood as the National champion against the Papacy, and spoke the National feeling against the abuses of the Church at home."[1] This was, however, before Wycliffe's religious teaching was widely known. Soon after the accession of Richard II., Wycliffe was asked by the young King to give, in writing, an answer to the question: "Whether the Realm of England can legitimately, when the necessity of repelling invasion is imminent, withhold the treasure of the Realm that it be not sent to foreign parts, although the Pope demand it under pain of censure and in virtue of obedience

[1] *England in the Age of Wycliffe*, p. 81.

due to him ? " It is remarkable that at the moment when Wycliffe was thus consulted he was under the ban of a Papal Bull. He wrote a pamphlet in reply to the Royal question. " The Pope," he affirmed, " cannot demand this treasure except by way of alms and by the rule of charity. But this claim of alms, and all demand for the treasure of the Realm, ought to cease in this case of our present need. Since all charity begins at home, it would not be the work of charity, but of fatuity, to direct the alms of the Realm abroad, when the Realm itself lies in need of them." [1]

Of the attitude of England towards the Papacy at this period, Rapin has some remarks which may usefully be cited here. " Certainly it was time," he writes, " for the English nation, as well as the rest of Europe, to use their utmost endeavours to stop the growth of the Papal power. They must have voluntarily shut their eyes, not to see that all the proceedings of the Popes tended to render them Temporal Sovereigns of Europe. Of this the Decretal *Unam Sanctam* of Boniface VIII., which shows that the Pope thought himself invested with the Temporal as well as the Spiritual Power, is a clear evidence ; but since it might be said, it is not reasonable to ascribe the ambitious designs of Boniface to all the Popes, this evidence may be supported by another, which demonstrates that Boniface did but tread in the steps of his predecessors. I mean John XXII., who by his sole authority published a truce between England and Scotland, against the consent of one of the parties, and empowered his Legate to conclude a peace between the two Kingdoms, upon what terms they pleased, with orders to compel the two Kings and their subjects punctually to observe the same, under pain of excommunication. Does not this proceeding show that the Popes all acted with the same spirit ; and if their ambition had been indulged, would have considered Christian Princes but as subjects, or, at least, as vassals to the See of Rome ? " [2]

The National demand for fresh restraints on the Papacy continued throughout the reign of Richard II. They did

[1] *England in the Age of Wycliffe*, p. 82.
[2] Rapin's *History of England*, vol. iv. p. 98, edition 1757.

much towards stopping the evils complained of, but they would have been far more effectual had those to whom was entrusted the administration of the law acted with greater firmness. But all through this reign a reactionary spirit was at work, emanating from the Bishops and clergy, and frequently aided by the King himself. There was the same fear of giving offence then as in the present time, and, in certain quarters, a desire for peace at any price. Yet all through this period, and down to the Reformation, the laity hailed with approval the imposition of Papal disabilities. The lay opposition, though not always successful was always more or less powerful, and found expression not only in the Acts passed by Parliament, but also, occasionally, in decisions pronounced by the Judges, and in petitions presented to the King.

At this time the Bishops were alarmed at the great increase in the number of Wycliffe's followers. Rapin quotes Knighton as saying that "two men could not be found together, and one not a Lollard"—or disciple of Wycliffe.[1] Not being able to arrest the progress of what they termed heresy by argument, they determined on resorting to Parliament for powers to put it down by force. But this could only be done by means of a trick practised on the House of Commons, which is thus exposed by Lord Chancellor Campbell. In the year 1382 Robert de Braybroke, Bishop of London, was Lord Chancellor of England: "The Chancellor is celebrated for having resorted to a pious fraud for what he considered the good of the Church. In the Parliament held in the 5 Richard II., he introduced a Bill authorising the Lord Chancellor to issue commissions to sheriffs to arrest and imprison such as should be certified into Chancery to be heretics. This was approved of by the Lords, but thrown out by the Commons. Nevertheless the Chancellor at the end of the Session caused it to be inscribed on the Parliament Roll, and it was vigorously acted upon—to the great vexation of the subject. When Parliament again met, the Commons in a fury passed a Bill, to which the Lords agreed, declaring the former Act to be

[1] Rapin's *History of England*, vol. iv. p. 104, edition 1757.

null." And Lord Campbell quotes the celebrated Lord Coke as stating: "But in the Parliamentary proclamation of the Acts passed in Anno 6 Richard II., whereby the said supposed Act of 5 Richard II. was declared to be null, is omitted, and afterwards the said supposed Act of 5 Richard II. was continually printed, and the said Act of 6 Richard II. hath, *by the craft of the Prelates*, been ever from time to time kept from the print." [1]

The history thus related by Lord Campbell affords us a clear proof of the anti-Roman feeling of the House of Commons in the years referred to. The persecuting and fraudulent Act was passed to please the Pope, who had demanded the punishment of Wycliffe's followers, the Lollards. But in this matter the Commons cared nothing about the Pope's wishes, and, for a time, effectually clipped his wings. Writing in 1845, Lord Campbell stated that the sham Act was still on the Statute Book. Since then it has been repealed.

In the third year of Richard II. the Lord Chancellor, in opening Parliament, stated that one of the objects for which it had been summoned was to call attention to the injury done to the Crown of England by the Court of Rome.[2] In the following year the Commons petitioned that action might be taken against the Pope's Collectors, because they collected the first-fruits of ecclesiastical Benefices within the Realm, and the King promised that he would prohibit them from so acting. The Commons also asked that all foreign Priors should be sent out of the country, never to return, and that Englishmen should be placed in their livings. On this point the King replied that he would take advice.[3] In the fifth year (1382) the Commons prayed for a remedy against those who purchased Abbeys, Priories, and other ecclesiastical dignities from the Court of Rome, and the King promised to enforce the laws on this subject. They also asked that no alien should enjoy any ecclesiastical living within the Realm, and to this the King gave the same answer.[4] In the year 1383 the Commons again complained

[1] Campbell's *Lives of the Lord Chancellors*, vol. i. pp. 285, 286.
[2] Cotton's *Records*, p. 182. [3] *Ibid.*, p. 191. [4] *Ibid.*, p. 203.

of the action of the Pope's Collectors of first fruits of livings, and the young King once more promised to prohibit the Collectors. In the ninth year of this King's reign the Commons petitioned that all of the clergy advanced to any living, or ecclesiastical dignity, should pay the first-fruits to the King, instead of to the Pope. The King granted their request, thus touching the Pope on a very sore point. The Commons were evidently bent on imposing disabilities on the Papacy, for once more, in 1386, they petitioned "that no Cardinal, nor other alien, do enjoy within this Realm any Prebend or other benefice," and the King promised that the Statutes relating thereto should be observed.[2]

It was found necessary, in 1388, to pass another disabling Act of Parliament. By the 12 Richard II., cap. 15, it was provided that :—

"No liege man of the King, of what estate or condition that he be, great or little, shall pass over the sea, nor send out of the Realm of England, by licence nor without licence, without special leave of the King himself, to provide or purchase for him benefice of Holy Church, with cure or without cure in the said Realm ; and if any do, and by virtue of such Provision, accept by him, or by any other, any benefice of the same Realm, that at that time the same Provisor shall be out of the King's protection, and the same benefice void, so that it shall be lawful to the patron of the same benefice, as well spiritual as temporal, to present to the same an able Clerk at his pleasure."

Richard II. caused James Dardain, the Pope's Collector in England, in 1388, to swear that he would not put into execution any Papal Letters or mandates that were prejudicial to the King, his laws and rights ; that he would not receive or publish any of the Pope's Letters, but would deliver them up to the King as soon as he had received them ; nor send any money out of the Kingdom without special licence from the King or his Council. His Majesty also wrote, on October 10, 1388, to the Archbishops of Canterbury and York, and to all the Bishops of England, informing them that the Pope had dared to impose a new

[1] Cotton's *Records*, p. 313. [2] *Ibid.*, p. 317.

tax on the English clergy of a tenth of their incomes, to be paid to the Pope. The King commanded them, by the faith in which they were bound to him "and under forfeit of all they could forfeit, to revoke all that had been done for the levying and exacting of this imposition, and to return what had been paid and levied, enjoining them not to pay or contribute anything to this subsidy or imposition." [1]

Only one year after the passing of the last cited Act it was found necessary to pass another of a severe character. It re-enacted the Act of 25 Edward III., stat. 6, against Provisors, and as to that Act it ordered :—

"And if any do accept of a benefice of Holy Church contrary to this Statute, and that duly proved, and be beyond the sea, he shall abide exiled and banished out of the Realm for ever, his lands and tenements, goods and chattels, shall be forfeit to the King ; and if he be within the Realm, he shall be also exiled and banished, as afore is said, and shall incur the same forfeiture and take his way, so that he be out of the Realm within six weeks next after such acceptation. And if any receive any such person banished coming from beyond the sea, or being within the Realm after the said six weeks, knowing thereof, he shall also be exiled and banished, and incur such forfeiture as afore is said. And that their procurators, notaries, executors, and summoners have the pain and forfeiture aforesaid. . . .

"It is ordained and established, that if any man bring or send within the Realm, or the King's power, any summons, sentences, or excommunications against any person, of what condition that he be, for the cause of making motion, assent or execution of the said Statute of Provisors, he shall be taken, arrested, and put in prison, and forfeit all his lands and tenements, goods and chattels for ever, and incur the pain of life and of member. And if any Prelate make execution of such summons, sentences, or excommunications, that his temporalities be taken and abide in the King's hands, till true redress and correction be thereof made. And if any person of less estate than a Prelate, of what condition that he be, make such execution, he shall be taken, arrested, and put in prison, and have imprisonment, and make fine and ransom by the discretion of the King's Council.

"And if the King send by letter, or in other manner, to the

[1] *A Continuation of the Complete History of England*, by Robert Brady (1700), p. 448.

Court of Rome, at the intreaty of any person, or if any other send or sue to the same Court, whereby anything is done contrary to this Statute, touching any Archbishopric, Bishopric, dignity or other benefice of Holy Church within the said Realm, if he that maketh such motion or suit be a Prelate of Holy Church, he shall pay to the King the value of his temporalities of one year; and if he be a temporal lord, he shall pay to the King the value of his lands and possessions not moveable of one year; and if he be another person of a more mean estate, he shall pay to the King the value of the benefice for which suit is made and shall be imprisoned one year."

Soon after the passing of this Act, Richard II. issued the subjoined Royal prohibition against Papal exactions: "Whereas in our Parliament lately held at Westminster [1389], the Commons of our said Kingdom entreated us to provide a remedy against the subsidies exacted from the Clergy of our Realm by the Supreme Pontiff; and that whosoever of our liege subjects should from that time forth bring to England any Papal Bulls for the levying of such impositions, hitherto unknown, which may be prejudicial to ourselves and our Kingdom; and whosoever shall presume to publish or collect such imposition or innovation without our consent, *should be esteemed a traitor to ourselves, and executed.* And whereas, notwithstanding we granted their request, a new subsidy, in behalf of the Supreme Pontiff, is about to be exacted without our will and consent, we command you, by the fidelity which you owe to our person, and on pain of forfeiture of all things which can be forfeited to us, to desist altogether from levying such exactions from our clergy." [1]

This Royal prohibition seems to have given very great offence to the Archbishops of Canterbury and York, and they declared in Parliament, on behalf of themselves and the clergy of their Provinces, that "they neither intended or would assent to any Statute or Law to be made against the Pope's authority." [2] But only three years later this same Archbishop of Canterbury (Courtenay) made a declaration in Parliament giving his approval to a limitation on the

[1] Hart's *Ecclesiastical Records*, p. 53.
[2] *Parliamentary History*, vol. i. p. 443.

Pope's authority in England, and this declaration was, by his special request, entered on the Parliament Roll. It was as follows :—

"To our dread Sovereign Lord the King, in this present Parliament assembled His humble Chaplain, William, Archbishop of Canterbury, gives in his answer to the Petition brought into the Parliament by the Commons of the Realm, in which Petition are contained certain articles ; that is to say, first :—

" 'Whereas our Sovereign Lord the King, and all his liege subjects, ought of right, and had been always accustomed to sue in the King's Court, to recover their presentations to Churches, to maintain their titles to Prebends, and other benefices of Holy Church, to which they have a right to present ; the cognisance of which plea belongs solely to the Court of our Sovereign Lord the King, by virtue of his ancient prerogative, maintained and practised in the Reigns of all his predecessors Kings of England. And when judgment is given in His Highness' said Court upon any such plea, the Archbishops, Bishops, and other spiritual persons, who have the right of giving institution within their jurisdiction, are bound to execute such judgments, and used always to make execution of them at the King's command (since no lay person can make any such execution) ; and are also bound to make execution of many other commands of our Lord the King ; of which right the Crown of England has been all along peaceably possessed ; but now of late divers processes have been made by the Holy Father the Pope, and excommunications published against several English Bishops for making such executions, and acting in pursuance to the King's commands in the cases abovementioned ; and that such censures of His Holiness are inflicted in open disherison of the Crown, and subversive of the prerogative Royal of the King's laws and his whole Realm unless prevented by proper remedies.' "

In reply to this article the Archbishop first of all referred to his protestation in favour of the Pope's prerogative, and then added : "If any executions of processes are made, or shall be made by any person ; if any censures of ex-

communication shall be published and served upon any English Bishops or any other of the King's subjects [*i.e.* by the Pope] for their having made execution of any such commands, he maintains such censures to be prejudicial to the King's prerogative, as it is set forth in the Commons' petition ; and that so far forth he is resolved to stand with our Lord the King, and support his Crown in the matters above-mentioned, to his power.

"And likewise, whereas it is said in the petition, that complaint has been made, that the said Holy Father the Pope had designed to translate some English Prelates to Sees out of the Realm, and some from one Bishopric to another, without the knowledge or consent of our Lord the King, and without the assent of the Prelates so translated (which Prelates are very serviceable and necessary to our Lord the King and his whole Realm), which translations, if they should be suffered, the Statutes of the Realm would be defeated, and made, in a great measure, insignificant, and the said lieges of His Highness' Council would be removed out of his Kingdom without their assent and against their inclination, and the treasure of the said Realm would be exported, by which means the country would become destitute, both of wealth and council, to the utter destruction of the said Realm ; and thus the Crown of England, which has always been so free and independent as not to have any earthly Sovereign, but to be immediately subject to God in all things touching the prerogatives and Royalty of the said Crown, should be made subject to the Pope, and the laws and Statutes of the Realm defeated and set aside by him at pleasure, to the utter destruction of the Sovereignty of our Lord the King, his Crown and Royalty, and his whole Kingdom, which God forbid.

"The said Archbishop, first protesting that it is not his intention to affirm that our Holy Father aforesaid cannot make translations of Prelates according to the laws of Holy Church, answers and declares that if any English Prelates, who, by their capacity and qualification, were very serviceable and necessary to our Lord the King, and his Realm, if any such Prelates were translated to any Sees in foreign dominions,

or the sage lieges of his Council were forced out of the Kingdom against their will, and that by this means the wealth and treasure of the Kingdom should be exported; in this case the Archbishop declares that such translations would be prejudicial to the King and his Crown; for which reason, if anything of this should happen, *he resolves to adhere loyally to the King*, and endeavour, and he is bound by his allegiance, to support His Highness in this and all other instances in which the rights of his Crown are concerned."[1]

In 1392 a law was made which is thus quaintly described by Fuller: "For now came the Parliament wherein the Statute was enacted which mauled the Papal power in England. Some former laws had pared the Pope's nails to the quick, but this cut off his fingers, in effect, so that hereafter his hands could not grasp and hold such vast sums of money as before. This is called the Statute of Præmunire; and let not the reader grudge the reading thereof, which gave such a blow to the Church of Rome that it never recovered itself in this land, but daily decayed till its final destruction."[2] The first portion of the Act referred to by Fuller is the same as that which is described as a "Petition brought into the Parliament by the Commons of the Realm" in the declaration of Archbishop Courtenay cited on page 81. The Act (16 Richard II., cap. 5) complains that the Pope had excommunicated English Bishops for obeying the commandments of their King, and had translated Bishops from one diocese to another, without the consent and against the will of the King; "and so the Crown of England, which has been so free at all times, that it has been in no earthly subjection, but immediately subject to God in all things touching the Royalty of the same Crown, and to none other, should be submitted to the Pope." The Act proceeds to state that the Lords Temporal had been separately questioned, and had each promised to defend the Crown from all attempts made against its rights. The Archbishops, Bishops, and other Prelates had been severally examined, and they had promised that if the Pope should

[1] Hook's *Lives of the Archbishops of Canterbury*, vol. iv. pp. 384–387.

[2] Fuller's *Church History of Britain*, vol. ii. p. 368 (Oxford, 1845).

excommunicate any of the Bishops, or any of the King's subjects for obeying the decisions of the King's Courts, "they will and ought to be with the King in these cases in lawfully maintaining his Crown, and in all other cases touching his Crown and his Royalty, as they are bound by their allegiance." The Act concludes by imposing severe penalties, in the following terms :—

"Whereupon our said Lord, the King, by the assent aforesaid, and at the request of his said Commons, has ordained and established, that if any purchase or pursue, or cause to be purchased or pursued, in the Court of Rome, or elsewhere, any such translations, processes, and sentences of excommunication, Bulls, instruments, or any other things whatsoever, which touch our Lord the King, against him, his Crown, his Royalty, or his Realm, as is aforesaid, and they which bring the same within the Realm, or receive them, or make thereof notification, or any other execution whatsoever within the same Realm or without, that they, their notaries, procurators, maintainers, abettors, favourers, and counsellors, shall be put out of the King's protection, and their lands and tenements, goods and chattels, forfeited to our Lord the King ; and that they be attached by their bodies, if they may be found, and brought before the King and his Council, there to answer to the cases aforesaid, or that process may be made against them by *Præmunire facias*, in manner as it is ordained in other Statutes concerning Provisors, and others who sue, in any other Court, in derogation of the Royalty of our Lord the King." [1]

Unfortunately the Parliament was induced to grant the King a power to dispense from the observance of the law against Provisors, so as to grant permission to accept dignities and benefices at the gift of the Pope. But although this could only be done by permission of the King, it led in time to abuses, very much to the discontent of the laity. In 1394 an Act was passed enabling Tideman de Winchcomb, Abbot of Beaulieu, to accept the Bishopric of Llandaff, to which he had been presented by the Pope, notwithstanding the law against Provisors ; but it was expressly provided

[1] Gee and Hardy's *Documents Illustrative of English Church History*, p. 125.

that it was done "so always as this be taken for no example"[1] In 1396 it was enacted that no begging Friars should pass over the seas without the King's licence, under penalty of being put out of the King's protection.[2]

King Richard II. was deposed in 1399. One of the articles charged against him by Parliament, under which he lost his Crown, was that of giving the Pope too much power in the Realm, a practice which gave great offence to the people of England. Article X. of these accusations was as follows: "Although the Crown of the Kingdom of England, and the rights of the said Crown, and the Kingdom itself, have in all time past been so free, that our Lord the Pope, nor any other without the Kingdom, ought to concern himself about the same; yet the aforesaid King (Richard II.), for the corroboration of such his erroneous Statutes, did make supplication to our Lord the Pope, that he would confirm the Statutes ordained in his last Parliament, whereupon our Lord the Pope granted his Apostolic Letters, in which grievous censures are denounced against any that should presume in anything to act contrary to the said Statutes; all which are well known to tend against the Crown, and Royal dignity, and against the Statutes and liberties of the said Kingdom."[3]

But although, as stated in this article, Richard gave too much power to the Pope in England, yet on one occasion, in 1398, only the year before he was deposed, he exalted the general power of Kings over Popes in very decided terms. Foxe prints a lengthy letter which, in that year, Richard addressed to Boniface IX. In it he wrote:—

"But peradventure it would be thought by some men, that it belongeth not to secular Princes to bridle outrages of the Pope. To whom we answer, that naturally the members put themselves in jeopardy to save the head, and the parts labour to save the whole. Christ so decked His spouse, that her sides should cleave together, and should uphold themselves, and by course of time and occasion of things they should correct one another, and cleave together tuneably. Did not Moses put down Aaron, because he was unfaithful? Solomon put down Abiathar, who came by

[1] Cotton's *Records*, p. 354.
[2] *Ibid.*, p. 363.
[3] *Parliamentary History*, vol. ii. p. 16.

lineal descent from Anathoth, and removed his priesthood from his kindred to the stock of Eleazar in the person of Zadock, who had his beginning from Eli the priest? Otho the Emperor deposed John XII., because he was lecherous. Henry the Emperor put down Gratian, because he used simony in buying and selling spiritual livings; and Otho deposed Pope Benedick V., because he thrust in himself. Therefore, by like reason, why may not Kings and Princes bridle the Romish Pope in default of the Church, if the quality of his fault require it, or the necessity of the Church, by this means, compel to help the Church oppressed by tyranny? In old times Schisms, which rose about making the Pope, were determined by the power of secular Princes; as the Schism between Symmachus and Laurence was ended in a Council before Theodoric, King of Italy. Henry the Emperor, when two did strive to be Pope, deposed them both, and received the third, being chosen at Rome, to be Pope, that is to say, Clement II., who crowned him with the Imperial Crown; and the Romans promised him that from thenceforth they would promote none to be Pope without his consent. Alexander also overcame four Popes, schismatics, all of whom Frederic the Emperor corrected.

"Thus, look on the register of Popes and their deeds, and ye shall find that Schisms most commonly have been decided by the power of secular Princes, the schismatics cast out, and sometimes new Popes made; and sometimes the old ones cast out of their dignities, and restored to their old dignities again." [1]

Even Henry VIII. could not have written more strongly on this important subject.

[1] Foxe's *Acts and Monuments*, vol. iii. pp. 211, 212.

CHAPTER VIII

HENRY IV.—HENRY VIII.

An Act against Abuses in Monasteries—Other Acts relating to Monks and Nuns—Acts against Papal Extortions—The Chief Justice says the Pope "cannot change the Law of the Land"—Oxford University sets up the Authority of the Pope against the King—The Court of Chancery Condemns the University—Great Wealth of the Church in the Reign of Henry V.—An Act which annoyed the Abbots, Priors, Friars, and Nuns—Another Act against Papal Provisions—The Duke of Gloucester burns the Pope's Letters—The King's Council refuse to recognise Cardinal Beaufort as Papal Legate—Twenty-one Articles against Cardinal Beaufort—Pope Martin V. claims the Right of Presentation to all Churches and Bishoprics—Makes his Nephew, aged fourteen, Archdeacon of Canterbury—Henry V. sends an Embassy to the Pope to complain of his Extortions—Archbishop Chicheley's Letter protesting against the Papal Legate—The Dean and Chapter of York successfully resist the Pope's Nominee to the Archbishopric—The Pope's Legate sent to Prison—Pope Martin V. denounces the English anti-Papal Laws—His Furious Letter to Archbishop Chicheley—The English Clergy refuse to obey the Pope's Command—The Archbishop of Canterbury refuses to collect Tenths for the Pope—Archbishop Bourchier orders Punishment of the Clergy who had obtained Livings by Papal Letters—The Judges decide that a Papal Excommunication does not bind in England.

During the reign of Henry IV., successor to Richard II., the Court of Rome continued to give great displeasure to the laity, by its exactions and extortions, whenever an opportunity occurred. The Popes were then far more anxious to collect money for themselves and their dependents, than to promote the spiritual interests of the English. But the attention of Parliament was not confined to the misconduct and greed of the Papacy. Practical abuses by the Friars soon after Henry's accession, also required a remedy. These gentlemen were very zealous in entrapping young boys into their Orders at a very early age, long before they could understand the meaning of the

vows of poverty, chastity, and obedience, which Friars were required to take. With the boys the Monasteries secured the wealth which the lads possessed, and also any property to which they might be subsequently entitled on the death of relatives. Herein was a powerful motive for entrapping the lads into the Monastic net. Early in this reign Parliament dealt with this subject by passing a new law.

By 4 Henry IV., cap. 17, it was enacted that: "No Friar of the four Orders, that is to say Friars Minors, Augustines, Preachers, and Carmelites, from henceforth shall take or receive any infant into the said Order, unless he be entered into the age of fourteen years, without the assent of his father and mother, or other his next friends of blood, or other his friends or tutors." And if any infant is so taken, then his parents or nearest relatives or friends shall make request for his return to the Warden or Prior of the Order which had received him; but if their request be refused, then they "shall sue to the Chancellor of England for the time being, and the same Chancellor shall have power by authority of Parliament, to send for the Ministers or Provincials of the said four Orders, Warden or Prior of the place where such infant shall be so taken, received, or withholden from time to time, and them to punish after the discretion of the said Chancellor, and according as the case requireth in this behalf." The Act records that Friar John Zouch, Minister of the Order of Friars Minors in England; Friar William Pikeworth, Provincial of the Order of Friars Preachers in England; Friar William de Wellie, Provincial of the Order of Friars Augustines in England; and Friar Stephen of Paddington, Provincial of the Order of Friars Carmelites in England, appeared in person before the King in Parliament, and these "laying their right hands on their breasts, made an oath, and promised in the same Parliament, to hold, keep, observe, and perform the Statute and ordinance aforesaid, for them and their successors for ever." [1]

Even in modern times Roman Catholic States have found it necessary to pass a similar law, limiting the age at which young men and women shall join Religious Orders. But in

[1] *Statutes at Large*, vol. ii. pp. 437, 438 (Cambridge, 1762).

England no such law now exists, though certainly I believe that if it existed it would tend to lessen abuses.

The other Penal Laws against Papal injustice passed during the reign of Henry IV. were as follows. By 2 Henry IV., cap. 3 :—

" It was ordained and established, that if any Provision be made by the Bishop of Rome to any person of Religion, or to any other person, to be exempt of obedience regular, or of obedience ordinary, or to have any office perpetual within Houses of Religion, or as much as one regular person of religion, or two or more, have in the same ; that if such Provisors from henceforth do accept or enjoy any such Provision, they shall incur the pains provided in the Statute of Provisors, made in the 13th year of King Richard II."

The penalties imposed by 13 Richard II. were, for a Prelate or Peer, the value of his temporalities for one year ; for all others imprisonment for one year.

By 2 Henry IV., cap. 4, the same punishment was awarded to those Monks and Friars who purchased Bulls from Rome, freeing them from paying tithes for lands in their possession.

By 6 Henry IV., 1404, it was enacted that : " For the grievous complaints made to our Sovereign Lord the King by his Commons of this Parliament, held at Coventry, the 6th day of October, the sixth year of our reign, of the horrible mischiefs and damnable custom, which is introduced of new in the Court of Rome, that no Parson, Abbot, nor other, should have provision of any Archbishopic or Bishopric, which shall be void, till that he hath compounded of the Pope's Chamber, to pay great and excessive sums of money, as well for the first fruits of the same Archbishopric or Bishopric, as for other less services in the same Court, and that the same sums, or the greater part thereof, be paid beforehand, which sums pass the treble, or the double at the least, of that that was accustomed of old time to be paid to the same Chamber and otherwise, by the occasions of such provisions, whereby a great part of the treasure of this Realm hath been brought and carried to the said Court, and also shall be in time to come, to the great im-

poverishing of the Archbishops and Bishops within the same Realm, and elsewhere within the King's dominions, if convenient remedy be not for the same provided. Our Sovereign Lord, the King, to the honour of God, as well to eschew the damage of his Realm, as the perils of their souls, which own to be advanced to any Archbishoprics or Bishoprics within the Realm of England, and elsewhere within the King's dominions out of the same Realm, by the advice and assent of the great men of his Realm, in the Parliament hath ordained and established: That they and every of them that shall pay to the said Chamber, or otherwise, for such fruits and services, greater sums of money than hath been accustomed to be paid in old time passed, they and every of them shall incur the pain of the forfeiture of as much as they may forfeit towards the same our Sovereign Lord, the King."

By 9 Henry IV. (1407), cap. 8, it was declared that: "Our Lord the King, considering how that the money of the Realm of England is in divers ways conveyed out of the same Realm to the Court of Rome in exchange, by Provisors or Provisions purchased of the Pope, and translations of Archbishoprics and Bishoprics, to the great impoverishing of the same Realm; hath ordained and established, that all the Statutes and ordinances made against Provisors, translations of Archbishoprics and Bishoprics, their executors, procurators, notaries, fautors, maintainers and receivers, as well in the times of King Edward III. and Richard II., as in the time of our said Sovereign Lord that now is, with all the pains and additions to the same, shall be from henceforth firmly holden and kept in all points."

During this reign the State gained victories over the Pope in two noteworthy legal cases. In the year 1408 Henry Chicheley was appointed Bishop of St. David's. Soon after his consecration the question arose whether the Prebend in Salisbury Cathedral which he had held until he became a Bishop was *ipso facto* void by his consecration. Chicheley claimed the right to hold the Prebend with his Bishopric, while the King claimed that he had the right to present to the stall as vacant. The case came before Lord

Chief Justice Thirning in Michaelmas term, 1409. Chicheley, through his counsel, pleaded that after his election as Bishop of St. David's the Pope "granted us licence to enjoy all other benefices." To this the Chief Justice replied: "The grant of the Apostle [*i.e.* the Pope] cannot change the law of the land." Counsel for the Bishop thereupon exclaimed: "The Pope has all power"; but this the Chief Justice indignantly refused even to consider: "Neither," he exclaimed, "will I enter upon an abstract question upon the power of the Apostle [the Pope]; all I can say is, that I cannot see how he, by any Bull of his, can change the law of England." The Court was divided in opinion as to the case, but the Chief Justice was determined to uphold the common law of England against the encroachments of the Pope. After much discussion the Bishop gave way, and judgment was given for the King.[1]

The other case referred to the privileges of the University of Oxford, conferred by the Pope. During the reign of Richard II. the University of Oxford bought from the Pope —how much was paid for it is not stated—a Buli exempting it from the Visitation of the Archbishop of Canterbury. In 1411 the then Archbishop (Arundel) determined on holding a Visitation; but on arriving near the City of Oxford, he was met by the Chancellor and Proctors of the University, and a crowd of Undergraduates, armed with swords, bows and arrows, who told him he would not be permitted to enter the University as Visitor, though he would be welcome as a private visitor. The Archbishop withdrew, returned to London, and complained to the King. Henry was very angry with the University for infringing on the Royal prerogative by setting up against it the authority of the Pope. As a result the University humbly submitted itself to the King, and in the Court of Chancery it was decreed that it should be in future subject to the Archbishop's Visitation, and that for every infringement of this decree they should pay to the King a fine of £1000. The decision of the Court of Chancery was subsequently confirmed by assent of Parliament. "By this,"

[1] Hook's *Lives of the Archbishops of Canterbury*, vol. v. p. 23.

says Sir Robert Cotton, "it most manifestly appeareth, that even in those days the Prince's prerogatives were nothing subject to the Pope's Primacy; for then would not this Archbishop, the Pope's fosterer and adopted son, have so neglected the Pope's Bulls, which he (as by this may appear) took to be mere bulls and bubbles." [1]

There is but little, which needs notice here, in the short reign of Henry V., from 1413 to 1422. In the first year it was enacted by Parliament that all the previous Statutes against Provisors from Rome should be observed; and that all the Church livings in England held by aliens, except those specially named, should be seized into the King's hands.[2] In the second year of this reign Parliament endeavoured, but in vain, to reduce the enormous wealth of the clergy. Its efforts were defeated by a voluntary offer of pecuniary help to the King, made by the Archbishop of Canterbury, on their behalf. The story of this unsuccessful attempt, as recorded by Hall, is interesting. He reports that, in 1414: "King Henry, continually studying for the honour of himself and advancement of his people, called his High Court of Parliament, the last day of April, in the town of Leicester. In the which Parliament many profitable laws were concluded, and many petitions moved, were for that time deferred. Amongst which requests, one was that a Bill exhibited in the Parliament held at Westminster, in the eleventh year of King Henry IV. (which by reason that the King was then vexed and troubled with civil division and domestic dissension came to none effect) might now be well studied, pondered, regarded, and brought to some good conclusion. The effect of which was that the temporal lands devoutly given, and disordinately spent by Religious and other spiritual persons, might suffice to maintain, to the honour of the King, and defence of the Realm, 15 Earls, 1500 Knights, 6200 Esquires, and 100 Alms Houses, for the relief only of the poor, impotent, and needy persons, and the King to have clearly to his coffers £20,000, with

[1] Cotton's *Records*, p. 480; Hook's *Lives of the Archbishops of Canterbury* vol. iv. pp. 494–496.

[2] Cotton's *Records*, pp. 536, 537.

many other provisions and values of Religious Houses which I overpass. This before-mentioned Bill was much noted and feared amongst the Religious sort whom in effect it much touched, insomuch that the fat Abbots sweat, the proud Priors frowned, the poor Friars cursed, the silly Nuns wept, and altogether were nothing pleased, nor yet content." [1]

The practical evils resulting from the unjustifiable interference of the Papal Court with English Church affairs, once more needed to be dealt with early in the reign of Henry V. A new Act of Parliament which had to be passed in 1415, namely, that of 3 Henry V., stat. 2, recited that, notwithstanding previous laws passed against Provisors from Rome, the evil still continued.

"Several persons having Provisions," says the Act, "of the Pope of divers Benefices in England, and elsewhere, and licences Royal to execute the said Provisions, have, by colour of the same Provisions, licences, and acceptations of the said Benefices, subtilly excluded divers persons of their Benefices, in which they have been Incumbents by a long season, of the collations of the Patrons spiritual, to them duly made to their intent, to the utter destruction and subversion of the estates of the said Incumbents: the King willing to remove such mischief, hath ordained and established, that all the Incumbents of every Benefice of Holy Church of the Patronage, collation, or presentation of spiritual Patrons, may peaceably and quietly enjoy, and shall enjoy their said Benefices, without being inquieted, molested, or any wise grieved by any colour of such Provisions, licences, and acceptations whatsoever: and that all the licences and pardons upon and by such Provisions made, in any manner, shall be void and of no value. And if any feel himself grieved, molested, or inquieted in any wise from henceforth by any, by colour of such Provisions, licences, pardons or acceptations, that the same molesters, grievers, and inquieters, and every of them, shall suffer and incur the pain and punishments contained in the Statutes of Provisors before this time made, and that by process *præmunire facias* formed upon the case; and that the

[1] Hall's *Chronicles*, p. 49.

party which shall sue by the same writ, shall recover his treble damages, if the defendants named in the same writ, or any of them, be convict in that behalf."

Under the Protectorship of Humphrey, Duke of Gloucester, during the minority of Henry VI., England was ruled by one who was a decided enemy of Papal encroachments, and would not permit the laws of England to be broken. Sir Edward Coke reports that: "In the reign of Henry VI., the Pope writ letters in derogation of the King and his Regality, and the Churchmen durst not speak against them; but Humphrey, Duke of Gloucester, *for their safe keeping put them into the fire.*" [1] On the same page Coke also reports that in this Reign it was decided that: "Excommunication made and certified by the Pope, is of no force to disable any man within England. And this is by the ancient common laws before any Statute was made concerning foreign jurisdiction." The Duke's great enemy was his own nephew, Cardinal Beaufort, Bishop of Winchester, a selfish, proud, and ambitious man, altogether devoted to the interests of the Pope. When Beaufort was made a Cardinal, the Pope sent him into England as his Legate, without first of all asking the consent of the King. This was contrary to the law, and led to a remarkable remonstrance by his Majesty's Council, in the name of the King, and also of the Duke of Gloucester. The document is an important one, and may well be carefully studied by those who, in this twentieth century, see no harm in Papal Legates. It was written by Richard Caudry, Clerk of the Council, and is dated 1428:—

"In the name of God, Amen. By the present public instrument let it clearly appear to all that, in the year of our Lord 1428–9, in the seventh indiction, in the Pontificate of our Holy Father in Christ, and Lord, the Lord Martin, &c., I, Richard Caudry, Proctor, and under Proctorial commission of the most Christian Prince the Lord Henry, by the grace of God King of England and France, and Lord of Ireland, my supreme Lord, with the assent also and advice of the illustrious and puissant Prince Humphrey, Duke of Gloucester, Earl of Pembroke,

[1] Coke's *Reports*, vol. iii. p. lv., edition 1826.

Protector and Defender of the Kingdom of England and the English Church, and the rest, my Lords of His Highness' Royal Council, and doing his Council and representing him in his behalf, do declare, allege, and set forth in these writings, that the said most Christian Prince, my supreme Lord, and his most renowned ancestors, Kings of the said Kingdom of England, as well as by special privilege as by laudable and lawfully prescribed custom, peacefully and without let observed from time to time, of which the memory of man runneth not to the contrary, were and are sufficiently endowed and lawfully protected that no Legate of the Apostolic See ought to come into their Kingdom of England or other their lands and dominions, save at the bidding, asking, request, invitation or entreaty of the King of England for the time being. And the said most Christian Prince, my supreme Lord, and his renowned ancestors, Kings of England, have been and are in possession of the right and privilege and custom aforesaid without any interruption through all the whole time aforesaid, peacefully and quietly, the Roman Pontiffs throughout all the time aforesaid knowing all and singular the premises, suffering and consenting to the same as well silently as expressly, and without any manner of possession as of right or fact of sending such Legate, as is aforesaid, into the Kingdom of England, or any other his lands and dominions, save at the bidding, asking, request, and entreaty of the King of England for the time being; and because the most reverend Father in Christ and Doctor of Divinity, Henry [Beaufort], by the grace of God, priest of St. Eusebius, Cardinal of the Holy Roman See, asserting that he is a Legate, has, after the manner of a Legate, using the insignia of Apostolic Dignity, without bidding, asking, request, invitation or entreaty of the most Christian Lord our King aforesaid, actually entered the renowned Kingdom of England—therefore I openly protest, and by public commission in these writings and on behalf of the above and all the subjects of the same our Lord the King, that it has not been, and is not the intention of the afore-named most Christian Prince, my supreme Lord, and the said my Lords of the Council, to ratify by authority or approve, to the derogation of the laws, rights, customs, liberties, and privileges of the said our Lord the King and the Kingdom, the entrance of such the said most reverend Father as Legate into England, or in any wise at all to admit or recognise the same as Legate of the Apostolic See in England, contrary to the laws, rights, customs, liberties, and privileges aforesaid, or any wise to consent to the exercise of his Legation or any other or anything done or to be done, attempted or to be attempted, by the same

as Legate of the Apostolic See, contrary to the premises, the laws, rights, customs, liberties, and privileges, but rather to dissent, and the said our Lord the King does so dissent, and the said my Lords of the Council dissent by the presents, &c." [1]

Thirteen years later, in 1441, the Duke of Gloucester, who is known in history as the "Good Duke," brought a series of twenty-one articles against Cardinal Beaufort. The facts therein recorded were not denied, but, from motives of policy, it was deemed undesirable to take action against the Cardinal, who was of the Royal blood. The second of these articles was as follows: "Whereas he, being made a Cardinal, was voided of his Bishopric of Winchester, he procured from Rome the Pope's Bull, unknown to the King, whereby he took again his Bishopric, contrary to the common law of this Realm, incurring thereby the case of Provision, and forfeiting all his goods to the King, by the law of '*Præmunire facias.*'" The twenty-first article was as follows: "Furthermore, when the said Cardinal had forfeited all his goods by the Statute of Provision, he, having the rule of the King, and of other matters of the Realm, purchased from the Pope a Charter of pardon, not only to the defeating of the laws of the Realm, but also to the defrauding of the King, who, otherwise, might and should have had wherewith to sustain his wars, without any tallage of his poor people." [2] It is but right to mention here that in 1433 the King, by the common assent of all the Estates of Parliament, gave a pardon to Cardinal Beaufort for "all offences, punishments, and pains incurred by him against the Statutes of Provisors."

Duck, the biographer of Archbishop Chicheley, tells us that Pope Martin V., after his election, was, for a time, more audacious in infringing the rights and liberties of the Church of England, than any of his predecessors. He writes: "Pope Martin having now got quiet possession of the See of Rome, became far more insolent than his predecessors; for in the beginning of his Pontificate, he claimed

[1] Gee and Hardy's *Documents Illustrative of English Church History*, pp. 139–141.

[2] Foxe's *Acts and Monuments*, vol. iii. pp. 710, 711.

a right of presentation to all Churches whatsoever, reserved to himself the donation of all Bishoprics, by Provision, disannuled all the Elections of Bishops made by the Chapters, and within two years' time made thirteen Bishops in the Province of Canterbury, taking his opportunity, while the King was engaged in the war with France, to venture upon an action which Edward III. and Richard II. had prohibited by most severe laws. He also made his nephew, Prospero Colonna, a youth of fourteen years of age, Archdeacon of Canterbury by Provision." [1]

In the year 1418, Henry V. sent an Embassy to the Pope for the purpose of complaining of his encroachments. The members were instructed to request the Pope, "not to intermeddle in the disposing of those livings in England, the presentation of which belonged to him [the King], as well by agreement made between the Kings of England and the Popes, as by his Royal prerogative." At first the Pope ignored the requests of this Embassy, but he altered his attitude when they told him that the King of England would make use of his right, whether the Pope liked it or not. He had, through them, made his request, not of necessity, but because of his personal respect for the Pope.[2]

In 1427, Archbishop Chicheley wrote a remarkable letter to the King, Henry VI., protesting against the appointment of Cardinal Beaufort as Papal Legate in England. "Gracious Lord," he wrote, "like it to remember you that by your most worthy letters written at your town of Caen, on the 25th day of September, you charged me that by the advice of my Lord, your Brother of Bedford, and of your Chancellor, it should be ordained that all manner of men, your subjects, of what state or condition that they were, should abstain from letters of writ or pursuit making to the Pope after his election, till the time that he has written to you. . . . I have heard privily, but now it is more opened, and in such wise that credence should be given to it by reason, that my brother of Winchester [Beaufort] should be made a Cardinal, if you would give your

[1] Duck's *Life of Archbishop Chichele*, p. 90.

[2] *Ibid.*, p. 92.

assent thereto, and that he should have his Bishopric *in Commendam* for term of his life, and sent to your Kingdom of England as Legate a Latere. . . . But what this office of Legate, to be occupied in the form aforesaid, and such *Commendam* of Bishoprics, not used in your holy ancestors' time, would extend to, or gender against the good government of your subjects, in your high wisdom, I trust to God you will consider. . . . And by inspection of laws and Chronicles was there never a Legate a Latere sent into any land, and specially into your Kingdom of England, without great and notable cause. And they, when they came, after they had done their legacy, abided but a little while, not over a year, and sometimes a quarter, or two months, as the need required. . . . Wherefore, most Christian Prince and Sovereign Lord, as your true priest, whom it hath liked you to set in so high an estate, which without your gracious Lordship's support I know myself insufficient to occupy, I beseech you in the most humble wise that I can devise or think, that you will take this matter tenderly to heart, and see the state of the Church maintained and sustained, so that the Ministers thereof shall hold themselves content with their own part; for truly he that hath least hath enough to reckon for. And that your poor people be not spoiled, nor oppressed with divers unaccustomed exactions, through which they should be the more feeble to refresh you, our own Liege Lord, in time of need." [1]

Duck states that, some years before the year 1429, Martin V. "having by Provision translated Richard Fleming, Bishop of Lincoln, to the See of York, which was then vacant by the death of the Archbishop, the Dean and Chapter of York opposed his entrance into their Church, so that the Pope was forced by a contrary Bull to transfer him back again to the See of Lincoln. The year after, John Opizanus, the Pope's Legate, was imprisoned for presuming, by virtue of his office, to gather the money due to the Pope's Treasury, contrary to the King's command." [2]

Pope Martin V. is himself a witness to the strength of

[1] Duck's *Life of Archbishop Chichele*, pp. 125–131. [2] *Ibid.*, p. 140.

the Papal disabilities in force in England during the Reign of Henry VI. Being a proud, domineering, and arrogant man, this Pope was made exceedingly angry by those laws which crippled, if they did not destroy, his power and influence. So he set to work to upset the laws which he hated. He thought that in the person of Chicheley, Archbishop of Canterbury, he had a tool who could be frightened into action on behalf of the Papal claims. So he wrote to him, in 1426, a furious letter, blaming him in severe terms for not resisting the anti-Papal laws of England, and especially the recently passed Statute of Præmunire. Of this Statute he wrote :—

"In the first place, under colour of this execrable Statute, the King of England reaches into the spiritual jurisdiction, and governs so fully in Ecclesiastical matters as if our Saviour had constituted him His Vicar. He makes laws for the Church, and order of the clergy ; draws the cognisance of Ecclesiastical causes to his temporal Courts ; and, in short, makes so many provisions about Clerks, Benefices, and the concerns of the Hierarchy, as if the keys of the Kingdom of Heaven were put into his hands, and the superintendency of these affairs had been entrusted with His Highness, and not with St. Peter.

"Besides this hideous encroachment, he has enacted several terrible penalties against the clergy. So unaccountable a rigour is this, that the English Constitution does not treat Jews nor Turks with this severe usage. People of all persuasions and countries have the liberty of coming into England : and only those who have Cures bestowed upon them by the Supreme Bishop, by the Vicar of Christ Jesus,—only those, I say,—are banished, seized, imprisoned, and stripped of their fortunes. And if any Proctors, Notaries, or others, charged with the execution of the mandates and censures of the Apostolic See—if any of these happen to set foot upon English ground, and proceed in the business of their commission, they are treated like enemies, thrown out of the King's protection, and exposed to extremities of hardship. Was ever such iniquity as this passed into law ? I desire you would consider whether such Statutes as these are for the honour of the Kingdom : consider whether it becomes you to be silent under all this outrage. Is this an instance of filial reverence ? Is this the people of England's way of showing their regards to their Mother Church and the Apostolic See ? Can that be styled a Catholic Kingdom where

such profane laws are made and practised, where application to the Vicar of Christ is prohibited, where St. Peter's successor is not allowed to execute our Saviour's Commission? Christ said to Peter, and, in him, to his successors, 'Feed my sheep': but this Statute [of Præmunire] will not suffer him to feed them, but transfers this office upon the King, and pretends to give him Apostolical authority in several cases. Christ built His Church upon St. Peter; but this Act of Parliament hinders the effect of this disposition: for it will not allow St. Peter's See to proceed in the functions of government, nor make provisions suitable to the necessities of the Church. Our Saviour has ordered, that whatever his High Priest 'shall bind or loose upon earth, shall be bound or loosed in Heaven'; but this Statute ventures to overrule the Divine pleasure: for if the immediate representative of our Saviour thinks fit to delegate any priest to execute the power of 'the keys' against the intendment of the Statute, this Act not only refuses to admit them, but forces them out of the Kingdom, seizes their effects, and makes them liable to further penalties: and if any discipline and Apostolic censure appears against this usage, it is punished as a capital offence." [1]

The Pope concluded his letter by ordering the Archbishop to go to the Privy Council, and also to Parliament, and demand the repeal of the Statute of Præmunire, telling them that, so long as they obeyed it, they were under excommunication. Martin followed up this letter with letters addressed to the King, the Parliament, and the Duke of Bedford, all in the same strain, and with the same object. He actually told the Parliament that their souls could not be saved, until they had voted for the repeal of the hated Statute! But the roaring of the Papal Bull did not frighten any of them. They did nothing in response, and as a consequence the Pope had to eat humble pie. Three years later he sent a Nuncio to England, who produced a letter in the Convocation House, written by the Pope, containing positive orders to the clergy to contribute a tenth for the expenses of a war he had on hand in Bohemia. The clergy were so disgusted with the demand, that even they positively refused to obey it, though, as a concession, they

[1] Collier's *Ecclesiastical History*, vol. iii. pp. 341, 342, edition 1845.

voted him eightpence in the Mark on their rents, but only on condition that it should be proved that such a grant did not entrench on the King's prerogative and the laws of the Realm.[1]

In a Synod held in London, in 1438, Archbishop Chicheley complained heavily of an injury which, he said, had lately been offered to him by Pope Eugenius, who, by his sole authority, had given the Bishopric of Ely in *Commendam*, to Lewis, Archbishop of Rouen, and by a Bull had confirmed him in the government of that See. The Archbishop ordered the Synod to put an end to this affair, which had never before been attempted by any Pope. Fortunately, Bishop Philip Morgan, who held the See when the Pope issued his Bull granting it to the foreign Prelate, managed to continue to live on in possession, until the Pope's nominee was dead, and in this way a serious controversy was ended.[2]

When the Popes failed to extort money from the King and people of England by threats, they occasionally resorted to coaxing and flattery. Thus Pope Eugenius IV. acted, when, in 1446, he was in want of cash. He sent to Henry VI. the Golden Rose, a bauble which has been very much valued down to our own day. But with this mark of his Pontifical favour he sent, in a letter full of flattery, a request that he would send him the tenths imposed the year before. Thereupon Stafford, Archbishop of Canterbury, fearful that in this matter the Pope might charge him with a neglect of duty, in not collecting the tenths, felt it necessary to write an explanation of his conduct to him. "But, O most Blessed Father," he wrote, "since the laws and Statutes of this Realm are opposed to things of this nature, threatening the loss of goods and life, it was necessary to obtain the King's licence. But his Majesty replied, in the presence of your orator, that he would send his orators to Rome, to inform your Holiness of his inten-

[1] Collier's *Ecclesiastical History*, vol. iii. pp. 346, 347, 351.
[2] *The Life of Archbishop Chichele*, by Arthur Duck, 1699, p. 161.

tions upon this subject; and he commanded me not to attempt to take any steps in this collection, either personally or by deputy." [1]

In 1455, Bourchier, Archbishop of Canterbury, issued a commission for the reformation of the moral character of his clergy. Of these he gives a bad pre-eminence to those Monks who had unlawfully obtained, by Apostolic Letters from Rome, possession of certain English benefices and Vicarages: "The constant and noisy clamour of many," he wrote, "and public report, and the notoriety of the fact spreading it, it has now lately reached our ears, not without grievous bitterness of heart, that there are some within our Diocese of Canterbury, under the profession of Monastic observance, who have got possession of parish churches and their Perpetual Vicarages, under pretext of certain pretended Apostolic Letters." The Archbishop concludes by giving to David Blodwell, his Commissary General, orders to punish the guilty.[2]

From this period down to the abolition of Papal Supremacy in England, in the Reign of Henry VIII., there is but very little to record in these pages. During this period the attention of the country was mainly taken up with the Wars of the Roses, and we can therefore easily understand why it was that so little attention was given to the exorbitant claims of the Court of Rome. Sir Edward Coke mentions that: "In the Reign of King Edward IV., a Legate from the Pope came to Calais, to have come into England, but the King and his Council would not suffer him to come within England, until he had taken an oath that he should attempt nothing against the King or his Crown. And so the like was done in his Reign to another of the Pope's Legates." [3] Coke adds that in the Reign of Richard III. it was "resolved by the Judges, that a judgment or excommunication in the Court of Rome should not

[1] Hart's *Ecclesiastical Records*, p. 57.
[2] Gee and Hardy's *Documents of English Church History*, pp. 142–144.
[3] Coke's *Reports*, vol. iii. p. lvii.

bind or prejudice any man within England at the common law"; and that: "In the Reign of Henry VII. the Pope had excommunicated all such persons, whatsoever, as had bought alum of the Florentines; and it was resolved by all the Judges of England, that the Pope's excommunication ought not to be obeyed, or to be put in execution within the Realm of England" [1]

[1] Coke's *Reports*, vol. iii. p. lvii.

CHAPTER IX

HENRY VIII.—EDWARD VI.

Was the Reformation necessary?—Testimony of Dr. Döllinger—Henry VIII. was not a Protestant—Testimony of Fathers Parsons, S.J., Tootle, and Oakeley—Henry supported by the Laity—The Immunities of the Clergy—The *Supplication of Beggars*—Henry's First blow at the Papacy—The Act against Annates—The Pope's Supremacy abolished—The Submission of the Clergy—The Act against Appeals to Rome—The Supremacy Act—Henry's Penal Laws—The Suppression of the Monasteries—Their Condition in England, Scotland, and Rome—Cardinal Pole's Disloyal Book—Execution of Priests in Henry's Reign—The Pilgrimage of Grace—Pope Paul III. deposes Henry—His Deposing Bull—Two Jesuits sent to Ireland to encourage a Rebellion—The Exeter Conspiracy.

Having thus proved the common mistake of those who believe that Roman Catholic Disabilities were first imposed at the Reformation, I next proceed to consider the political opposition to the Papacy at and since that period down to the end of the Reign of James II. Our opinion of that opposition, of the laws which it produced, and of their necessity, must necessarily be influenced by the attitude we adopt towards the Reformation itself. Was it a necessary thing? Many Roman Catholic writers have maintained that a Reformation was necessary, owing to the evil lives of so many Popes, Cardinals, Archbishops, Bishops, and clergy and the general corruption in Church government; though they will not admit that there was any need for a Reformation in doctrine. It is not my intention to enter here into the question of doctrine, not because I do not hold very decided views on this subject, but simply that I have not space available for the purpose. Countless volumes have been written on this subject alone, on both sides of the question, and to these I must, of necessity, refer my readers. The opposition to Papal claims and extortions

had, as we have seen, existed in England for centuries before the Reign of Henry VIII., but in his Reign it took the additional form of opposition to the misconduct of English Prelates and priests, and to Papal Supremacy in the Church. To this was now added the controversies relating to doctrine. It was the purely spiritual doctrines taught by the Protestant Reformers which gave backbone to the anti-Papal contests of the sixteenth century, and eventually led to an effective Reformation, and the destruction of the Church of Rome in England as the National religion. Without the propagation of the Protestant religion no effectual reform in the morals of the Church could have taken place. What the learned Dr. Döllinger wrote on this subject (before he left the Church of Rome), as to the need for a Reformation in Germany, may with truth be applied to England. "We must," he wrote, "admit that the anxiety of the German nation to see the intolerable abuses and scandals in the Church [at the birth of the Reformation] removed was fully justified; and that it sprang from the better qualities of our people, and from their moral indignation at the desecration and corruption of holy things, which were degraded to selfish and hypocritical purposes. We do not refuse to admit that the great separation, and the storms and sufferings connected with it, were an awful judgment upon Catholic Christendom, which clergy and laity had but too well deserved—a judgment which has had an improving and salutary effect."[1] It is remarkable that the man who was the chief instrument in separating the Church of England from the Church of Rome was not himself a Protestant. He put Romanists to death who denied his Supremacy over the Church of England, but he also burnt Protestants alive because they refused to believe in Transubstantiation and the Mass. The well-known Jesuit, Robert Parsons, writing in 1606, after quoting the Six Articles Act, 31 Henry VIII., cap. 14 (1539), adds: "And with this we shall leave King Henry VIII., who,

[1] Döllinger's *The Church and the Churches*, p. 17.

in all the rest of his Reign (which, as hath been said, was but the third part after his Spiritual Headship, of that he had reigned before, in acknowledgment of the Pope's Supremacy), his decrees, ordinances, and actions, though they were inconstant and variable, *yet were they all* (except this only controversy of the Pope's authority) *against Protestants and their religion*" [1] Tootle, the Roman Catholic author of Dodd's *Church History*, writing in 1737, supplements the information given by Parsons, by showing us the state of Henry's mind with reference to religion in the last year of his life. He writes: "As to his (Henry's) last will, which bears date December 30, 1546, *it runs altogether in strain of the old religion*, excepting the title that he gives himself, of being the Supreme Head of the Church of England immediately under God. He professes his belief in the Real Presence of Christ in the Sacrament of the Altar; he 'instantly desires' the prayers of the Blessed Virgin Mary, and of 'all the holy company of heaven'; he directs Altars to be erected, and Masses to be offered, for the repose of his soul, 'while the world shall endure'; and he assigns a sum of 1000 Marks to be distributed in alms on the day of his burial, ordering his executors to 'move the poor people to pray heartily unto God for remission of his offences, and the wealth of his soul.'" [2] The late Rev. F. Oakeley, a well-known Roman Catholic priest, wrote: "Henry VIII. refuted Luther, and maintained Catholic doctrine to the end of his life." [3] These facts are important as showing that the Romanists put to death by Henry VIII., after he had been proclaimed Supreme Head of the Church of England, were not put to death by the Protestants, who are therefore not to be held responsible for those executions. This remark, of course, only applies to the Reign of Henry VIII.

Powerful and able as Henry VIII. was, it is certain he

[1] *An Answere to the Fifth Part of the Reportes by Sir Edward Cooke*, by a Catholicke Devyne (*i.e.* Robert Parsons), 1606, p. 350.

[2] Dodd's *Church History*, Tierney's edition, vol. i. p. 320.

[3] *Essays on Religion*, edited by Cardinal Manning, second series, p. 155.

would never have dared to separate England from Rome had he not been supported by a large proportion of the laity. As Mr. Pollard, a recent historian, remarks, it was "the hostility of the laity to the clergy," which "was in fact the lever with which Henry overthrew the Papal authority, and the basis upon which he built his own Supremacy over the Church. This anti-ecclesiastical bias on the part of the laity was the dominant factor in the Reformation under Henry VIII." [1] It was the immunities claimed by the clergy which specially exasperated the laity at that time. As early as the seventh year of Henry's Reign public attention was drawn to this important subject, in consequence of a sermon preached at St. Paul's Cross by the Abbot of Winchcombe, in which he referred to a recent Act of Parliament, which had ordered that the benefit of clergy should be denied to certain murderers and felons. At that time any man able to read might claim this "Benefit of Clergy," by which, no matter what crime he committed, excepting treason or arson, he was tried in the Bishop's Court, instead of in the King's Court. In this way the Church was allowed to trespass on what was properly a function of the State. The Abbot declared that the new Act of Parliament, which was passed on January 26, 1513, "was contrary to the law of God, and to the liberties of Holy Church, and that all who assented to it, as well spiritual as temporal persons, had by so doing incurred the censures of the Church." In support of his sermon the Abbot published a book. He was impeached for his sermon, and a commission met at Blackfriars to try the case, at which the Judges were present. Dr. Standish, Guardian of the Mendicant Friars in London, and afterwards Bishop of St. Asaph, was the leading counsel against the Abbot. He affirmed that clergymen had been judged in the King's Court for civil crimes; that there was nothing either in the laws of God or the Church inconsistent with it; and that the public good of society, which ought to be preferred to all other things, required that crimes

[1] *Henry VIII.*, by A. F. Pollard, p. 267, edition 1905.

should be punished. This case led to a prolonged and heated controversy. The Convocation, to show its displeasure, charged Dr. Standish with holding heterodox opinions, upon which the King took up the affair, and summoned the Privy Council and the Judges to hear the case at Baynard's Castle. There the Judges decided that Convocation had incurred the guilt of Præmunire; and at a later date Chief Justice Fineux told the Bishops: "If a clerk be arrested by the secular authority for murder or felony, and the temporal Judge commits him to you according to your desire, you have no authority by your law to try him."[1] The King took the side of Standish in the dispute, and, although at that time he was a warm supporter of the Papacy, declared that he would maintain the rights of the Crown against the Bishops and clergy. The whole case was hushed up, as a matter of policy; but it shows us clearly how strong, even at that early portion of Henry's Reign, was the resentment of the laity against the claims of the Bishops and clergy, and at the same time reveals how arrogant and extreme those claims were.

The indignation felt by the laity against the clergy found expression, in 1528, in the celebrated *Supplication of Beggars*, written by Simon Fish, of whom Froude says that "though we may make some allowance for angry rhetoric, his words have the clear ring of honesty in them; and he spoke of what he had seen and known." The whole of Fish's pamphlet is reprinted in Foxe's *Acts and Monuments*, vol. iv. pp. 659–664, edition 1857. It reveals a fearful condition of affairs in the Church, which loudly called for a Reformation. Nothing less than a total separation from the fountain-head of the corruption which existed could be expected to remove the evils complained of. It was useless to expect a remedy from the Bishops, and therefore, only four years later, the House of Commons voiced the feelings of the laity, in their Petition to the King, in 1532. It is said that this Petition emanated from the Court; but

[1] Hook's *Lives of the Archbishops of Canterbury*, vol. vi. p. 367.

however this may have been, it made known, in temperate yet severe terms, the grinding tyranny of the Church, under which the laity suffered. The Bishops published a reply, in which they promised an improvement on a few points, but justified most of the evils complained of.[1] Bishop Fisher made a separate protest against the Commons Petition, in a speech he delivered in Parliament, in which he did not acknowledge that there was any evil in the Church which needed to be removed, but on the other hand he did not dare to deny the existence of abuses, for, had he done so, there were those listening to him who would soon have made the truth known.[2]

These public exposures, no doubt, greatly strengthened the hands of the King, who was by this time contemplating the suppression of the Monasteries, and the abolition of the Papal Supremacy in England. I do not suppose that Henry was, in these affairs, moved by any high and noble motives. Self was ever with him a paramount consideration. But let us not forget that many excellent deeds in the world's history have been done from unworthy motives. The man who, in our own day, gives £5000 to some public charity, does a good deed, and yet his motive may be mere vanity, a desire to be talked about and praised. And so, although it were admitted that Henry abolished the Papal Supremacy out of revenge on the Pope for refusing him a Divorce ; and suppressed the Monasteries out of a greedy desire to appropriate their vast wealth, still both these acts were good in themselves, and have led to great and lasting benefit to the nation. And yet I do not think that Henry was consciously a hypocrite in what he did ; but he found it very easy to persuade himself of the justice of doing what he liked. What he did was certainly not the outcome of his love for Protestantism, for he hated its peculiar doctrines just as much as did the Romish Bishops and priests.

The first great blow against the Pope's power in Henry's

[1] The Petition and the Bishop's Reply are printed in Gee and Hardy's *Documents Illustrative of English Church History*, pp. 145–176.

[2] *Parliamentary History*, vol. iii. pp. 57, 58.

Reign was the passing, in 1529, of the Act 21 Henry VIII., cap. 13. This Act provided that if any person procured from the Court of Rome any dispensation to hold more benefices with cure than two, he should for each offence incur the penalty of £70, and lose the profits of any benefice he took by force, by virtue of such dispensation. It also provided that if any person obtained from the Court of Rome a dispensation for non-residence at his dignity, Prebend, or benefices, he should, for each offence, incur the penalty of £20. "This clause," says Collier, "gave the first blow to the Pope's Supremacy in England." [1] It was followed, in 1532, by the Act for the Restraint of Annates. These Annates, or First-fruits, consisted of the first year's profit of spiritual livings paid to the Pope by the Archbishop or Bishop. The Act (23 Henry VIII., cap. 20) loudly complains of the extortions of the Papacy in this matter. It states that :—

"Forasmuch as it is well perceived, by long approved experience, that great and inestimable sums of money have been daily conveyed out of this Realm, to the impoverishment of the same; and especially such sums of money as the Pope's Holiness, his predecessors and the Court of Rome, by long time have heretofore taken of all and singular those spiritual persons which have been named, elected, presented, or postulated to be Archbishops or Bishops within this Realm of England, under the title of Annates, otherwise called First-fruits. Which Annates, or First-fruits, have been taken of every Archbishoprick, or Bishoprick, within this Realm by restraint of the Pope's Bulls, for confirmations, elections, admissions, postulations, provisions, collations, dispositions, institutions, investitures, orders, holy benedictions, palls, or other things requisite and necessary to the attaining of those their promotions; and have been compelled to pay, before they could attain the same, great sums of money, before they might receive any part of the fruits of the said Archbishoprick, or Bishoprick, whereunto they were named, elected, presented, or postulated; by occasion whereof, not only the treasure of this Realm hath been greatly conveyed out of the same, but also it hath happened many times, by occasion of death, unto such Archbishops, and Bishops, so newly promoted, within two or three years after his or their consecra-

[1] Collier's *Ecclesiastical History*, vol. iv. p. 132.

tion, that his or their friends, by whom he or they have been holpen to advance and make payment of the said Annates, or First-fruits, have been thereby utterly undone and impoverished. . . . Insomuch that it is evidently known, that there hath passed out of this Realm unto the Court of Rome, since the second year of the Reign of the most noble Prince, of famous memory, King Henry VII., unto this present time, under the name of Annates, or First-fruits, paid for the expedition of Bulls of Archbishopricks, and Bishopricks, the sum of 800,000 ducats, amounting in sterling money, at the least, to £160,000, besides other great and intolerable sums which have yearly been conveyed to the said Court of Rome, by many other ways and means, to the great impoverishment of this Realm. . . .

"And because that divers Prelates of this Realm, being now in extreme age, and in other debilities of their bodies, so that of likelihood, bodily death in short time shall or may succeed unto them; by reason whereof great sums of money shall shortly after their deaths be conveyed unto the Court of Rome, for the unreasonable and uncharitable causes abovesaid, to the universal damage, prejudice, and impoverishment of this Realm, if speedy remedy be not in due time provided:—

"It is therefore ordained, established, and enacted, by authority of this present Parliament, that the unlawful payment of Annates, or First-fruits, and all manner contributions for the same, for any Archbishoprick, or Bishoprick, or for any Bulls hereafter to be obtained from the Court of Rome, to or for the aforesaid purpose or intent, shall from henceforth utterly cease, and no such hereafter to be paid for any Archbishoprick, or Bishoprick, within this Realm, other or otherwise than hereafter in this present Act is declared: and that no manner person, nor persons hereafter to be named, elected, presented, or postulated to any Archbishoprick, or Bishoprick, within this Realm shall pay the said Annates or First-fruits, for the said Archbishoprick, or Bishoprick, nor any other manner of sum or sums of money, pensions or Annates for the same, or for any other like exaction, or cause, upon pain to forfeit to our said Sovereign Lord the King, his heirs and successors, all manner his goods and chattels for ever, and all the temporal lands and possessions of the same Archbishoprick, or Bishoprick, during the time that he or they which shall offend, contrary to this present Act, shall have, possess, or enjoy, the Archbishoprick or Bishoprick, wherefore he shall so offend contrary to the form aforesaid. . . .

"And to the intent our said Holy Father the Pope, and the Court of Rome, shall not think that the pains and labours taken,

and hereafter to be taken, about the writing, sealing, obtaining, and other businesses sustained, and hereafter to be sustained, by the offices of the said Court of Rome, for and about the expedition of any Bulls hereafter to be obtained or had for any such Archbishoprick, or Bishoprick, shall be irremunerated, or shall not be sufficiently and condignly recompensed in that behalf; and for their more ready expedition to be had therein. It is therefore enacted by the authority aforesaid, that every spiritual person of this Realm, hereafter to be named, presented, or postulated, to any Archbishoprick, or Bishoprick, of this Realm, shall and may lawfully pay for the writing and obtaining of his or their said Bulls, at the Court of Rome, and ensealing the same with lead, to be had without payment of any Annates, or Firstfruits, or other charge or exaction by him or them to be made, yielded, or payed for the same, £5 sterling, for and after the rate of the clear and whole yearly value of every £100 sterling, above all charges of any such Archbishoprick or Bishoprick, or other money, to the value of the said £5, for the clear yearly value of every hundreth pounds of every such Archbishoprick, or Bishoprick, and not above, nor in any otherwise, anything in this present Act before written notwithstanding."

In this way one of the most unjust extortions of the Court of Rome was for ever removed; while a reasonable sum was permitted to be paid for the then necessary Bulls. The country was willing to pay an honest price for Papal Bulls, but declined to be any longer swindled out of large sums of money by the Papacy. It was a fair and reasonable arrangement at the time. I do not know how the Archbishops and Bishops voted on the passing of this Act, but I should imagine that in their hearts they approved of it. The Act also provided that if, after application, the Court of Rome should refuse to issue the usual Bulls on these terms, then the Archbishops and Bishops should be consecrated in England without them, and exercise their offices just as though they had been issued. The disabilities imposed by this Act were just and praiseworthy.

The King himself, in the following year, complained of the conduct of the clergy to the Speaker of the House of Commons. He said that: "He had found that the clergy of the Realm were but half his subjects, or scarce so much;

every Bishop or Abbot, at the entering in to his dignity, taking an oath to the Pope, derogatory to that of their fidelity to the King"; and he requested that Parliament should consider this, and take steps to remove the evil.[1] This request led to a final renunciation of the Pope's Supremacy. That Supremacy was finally abolished by the Act for the Restraint of Appeals, 24 Henry VIII., cap. 12. By this Act it is declared that:—

"Where by divers sundry old authentick Histories and Chronicles, it is manifestly declared and expressed that this Realm of England is an Empire, and so hath been accepted in the world, governed by one Supreme Head and King . . . he being also institute and furnished by the goodness and sufferance of Almighty God, with plenary, whole, and entire power, pre-eminence, authority, prerogative, and jurisdiction, to render and yield justice, and final determination to all manner of folk, residents or subjects within this his Realm, in all causes, matters, debates, and contentions happening to occur, insurge, or begin within the limits thereof, without restraint, or provocation to any foreign Princes or Potentates of the world; the body spiritual whereof having power, when any cause of the law Divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and showed by that part of the said body politic called the spirituality, now being usually called the English Church, which always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath always been thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and to determine all such doubts, and to administer all such offices and duties, as to their rooms spiritual doth appertain. . . .

"And whereas the King, his most noble progenitors, and the Nobility and Commons of this said Realm, at divers and sundry Parliaments, as well in the time of King Edward I., Edward III., Richard II., Henry IV., and other noble Kings of this Realm, made sundry ordinances, laws, Statutes, and provisions, for the entire and sure conservation of the prerogatives, liberties, and pre-eminences of the said Imperial Crown of this Realm, and of the Jurisdiction spiritual and temporal of the same, to keep it from the annoyance, as well of the See of Rome, as from the authority of other foreign potentates . . . yet, nevertheless,

[1] *Parliamentary History*, vol. iii. p. 92.

since the making of the said good Statutes and ordinances, divers and sundry inconveniences and dangers, not provided for plainly by the said former Acts, Statutes, and ordinances, have arisen and sprung by reason of Appeals sued out of this Realm to the See of Rome, in causes testamentary, causes of matrimony and divorces, right of tithes, oblations and obventions, not only to the great inquietation, vexation, trouble, costs, and charges of the King's Highness, and many of his subjects and residents of this his Realm, but also to the great delay and let to the true and speedy determination of the said causes, for so much as the parties appealing to the said Court of Rome most commonly do the same for the delay of Justice . . . in consideration whereof [such appeals] . . . shall be from henceforth heard, examined, discussed, clearly, finally, and definitively adjudged and determined within the King's jurisdiction and authority, and not elsewhere."

This Act also provided that if any spiritual persons refused to minister the Sacraments and Sacramentals, or to conduct Divine Service, on the plea of any foreign inhibition or excommunication, they should for each offence be imprisoned for one year, and "make fine and ransom at the King's pleasure." It was further provided that if any person or persons, "of what estate, condition, or degree" —evidently including laymen—should purchase, or attempt to purchase from the See of Rome any foreign excommunication, restraint, inhibition; or should hinder any sentence or judgment "made in any Courts of this Realm," he should incur the pains of Præmunire, as provided by 16 Richard II., cap. 5.

This Act was soon after followed by the Statute 25, Henry VIII., cap. 19, known as "The Submission of the Clergy and Restraint of Appeals," in which it is mentioned that the clergy of the Realm had, in Convocation not only acknowledged "that the Convocation of the same clergy is, always hath been, and ought to be assembled only by the King's writ, but also submitting themselves to the King's Majesty, have promised *in verbo sacerdotii*, that they will never from henceforth presume to attempt, alledge, claim, or put in use, or enact, promulge, or execute any new

Canons, Constitutions, Ordinance Provincial, or other, or by whatsoever other name they shall be called, in the Convocation, unless the King's most Royal assent and licence may to them be had." It is then provided that if any of the clergy shall enact or do anything contrary to their promises, they shall "suffer imprisonment, and make fine at the King's will." This Act also forbade appeals to Rome for any cause whatever, under penalty of Præmunire. Another Act passed this year (25 Henry VIII., cap. 20) ordered that no person should henceforth be presented to the Pope for the office of Archbishop or Bishop, or pay to the See of Rome any money whatever for Bulls, Palls, or First Fruits. Yet another Act passed this year (25 Henry VIII., cap. 21) forbidding the payment of Peter's Pence, as also the payment to the See of Rome for any licences or dispensations whatever. Abbots, Priors, and all rulers of Monasteries were forbidden to pay any pensions or taxes to the See of Rome, or to permit any Visitation of their Houses from the See of Rome, or to take "any corporal oath to the Bishop of Rome." In 1534 was passed the Supremacy Act (26 Henry VIII., cap. 1) by which the title of "Supreme Head on earth of the Church of England" was conferred on the King; and in the same year the Convocations of Canterbury and York abjured the Pope's Supremacy.

The Penal Laws of Henry VIII., which we have mentioned, do not agree with our modern notions of religious liberty; but they were certainly in full agreement with the principles of the Penal Laws against the Protestants passed in 1539, and known as the Six Articles Act; and with the general teaching of the Church of Rome at that period. I fail to see that the Roman Catholic Bishops at that period had any reason for surprise at finding Henry using against them a weapon which they, throughout his reign, used against the Protestants, whom they burnt alive without remorse or regret. Mr. Pollard's remarks on this point are wise, and worth reprinting. He writes: "With-

out him [Henry VIII.], the storm of the Reformation would still have burst over England; without him it might have been far more terrible. Every drop of blood shed under Henry VIII. might have been a river under a feebler King. Instead of a stray execution here and there, conducted always with a scrupulous regard for legal forms, wars of religion might have desolated the land, and swept away thousands of lives. London saw many a hideous sight in Henry's Reign, but it had no cause to envy the Catholic capitals which witnessed the Sack of Rome and the Massacre of St. Bartholomew; for all Henry's iniquities, multiplied manifold, would not equal the volume of murder and sacrilege wrought at Rome in May, 1527, or at Paris in August, 1572. From such orgies of violence and crime, England was saved by the strong right arm and the iron will of her Tudor King." [1] And here I may be permitted to note that, in our own day, those Roman Catholic writers who are fiercest in denouncing Henry for what he did in enforcement of his Ecclesiastical Supremacy, have not one word of regret for what he did in burning innocent Protestants, solely because they refused to profess faith in the Mass and Transubstantiation.

And now we come to consider, as briefly as possible, the Suppression of the Monasteries and Convents in Henry's Reign. Many volumes have been written, on either side, on this subject alone. The suppression of Monasteries was nothing new in the history of the Church of Rome. It had often been done with Papal sanction, not only in England but in many other lands. The ostensible reason published at the time for their suppression in England was the infamous wickedness perpetrated in many Monasteries and Convents. That such a state of things should exist is not at all extraordinary. Any one who will read the late Mr. H. C. Lea's *History of Sacerdotal Celibacy* will find abundant Roman Catholic evidence to prove that from time to time, Roman Catholic Monasteries and Nunneries in foreign lands

[1] Pollard's *Henry VIII.*, p. 439.

have not seldom been hotbeds of vice, though of course not without many notable exceptions. Even in Italy, under the eyes of the Popes, their condition seems to have been worse than anywhere else. A Jesuit writer of the nineteenth century, Father Genelli, S.J., made a most remarkable acknowledgment on this subject. He states that: "In the year 1538 Paul III. had appointed a Commission to inquire into and reform the abuses which had grown up among the Clergy. This Commission declared in its Report that the Professors in the Universities taught publicly errors contrary to the Faith, and that *great scandals existed in Monastic Houses. It proposed to suppress all the Monasteries* by forbidding them to receive Novices, so that, the present race of religions being extinct, a new generation might possibly be formed according to the spirit of the primitive rule . . . although the Pope rejected this proposal, it shows how little he would be disposed to favour the multiplying of Religious Orders." [1] It may be well to cite the actual words of this Report, which the Jesuit admits to be genuine. It says: "In the Orders of the Religious, there is another abuse to be corrected, that many of them are so degenerate that they are grown scandalous, and their examples pernicious to the seculars. *We think the Conventual Orders are to be abolished*, not by doing to any man that injury of dispossessing him, but by forbidding them to admit any more; for thus, without wronging any one, they would soon be worn out, and good Religious might be substituted instead of them; but at present it were best that all children, who are not yet professed, should be taken from their Monasteries. . . . Christian people are disturbed by another abuse, which concerns Nuns that are under the care of the Conventual Friars, wherein most Monasteries, public sacrileges are committed to the intolerable scandal of the citizens." [2] If these things occurred almost under the eye of the Pope, is it at all improbable that they occurred in England also? If we

[1] *The Life of St. Ignatius of Loyola*, by Father Genelli, S.J., p. 159, English edition.

[2] Lord Somers' *Tracts*, vol. iii. p. 121, edition 1751.

look into Scotland in the sixteenth century a fearful state of things is revealed in the Convents. Cardinal Sermoneta wrote to Pope Paul IV., in 1556, about Scottish affairs, forwarding petitions from the Queen of Scots, the Cardinal of Sabina, and the Cardinal d'Armagnac, the French Ambassador, in which occurs the following statement concerning Scottish Nunneries :—

"Moreover, on behalf of the said Queen [of Scots] it had been declared how *all Nunneries of every kind* of Religious women, and especially those of the Cistercian Order, Abbesses, Prioresses, and Sisters included, have come to such a pass of boldness, that they utterly contemn the safeguards of chastity. For not only do they wander outside Monastic enclosures in shameless fashion through the houses of seculars, but they even admit all sorts of worthless and wicked men within their Convents, and hold with them unchaste intercourse. They thus defile the sacred precincts with the birth of children, and bring up their progeny about them, go forth abroad surrounded by their numerous sons, and give their daughters in marriage dowered with the ample revenues of the Church. For this scandal there is no possible hope of a remedy except it be applied by your Holiness, as they allege their exemptions, and will consent to no admonition or visitation of the ordinaries." [1]

There is nothing in the revelations of Nunnery life in England in the Reign of Henry VIII. equal in enormity to the wickedness made known in this document, sent to the Pope by his own Cardinals, at the request of the Roman Catholic Queen of the Scots. I mention Italy and Scotland, not that it necessarily follows that things were as bad in England, but as affording evidence of the possibility, or, rather, of the probability, that the plague had also entered English Monasteries and Convents. After making every possible discount, and carefully considering what has been written in their defence, there is more than enough evil

[1] *Papal Negotiations with Mary, Queen of Scots*, edited by John H. Pollen, S.J., p. 529, Scottish History Society, 1901.

left to justify England in doing what the Cardinals suggested to Paul III. It was high time that disabilities were imposed upon these institutions. Let any candid person read the *Letters on the Suppression of Monasteries*, published by the Camden Society, and written by those sent out to visit those Institutions, and then supplement his reading by a careful study of the "Compendium compertorum per Doctorem Layton et Doctorem Legh, in visitatione regia in provincia Eboracensi ac episcopatu Coven et Lichfelden," published by the Government, for the first time, in 1887, in *Letters and Papers of the Reign of Henry VIII.*, vol. x. pp. 137–143, and he will find a record of wickedness which could scarcely have been exceeded by Sodom and Gomorrah. The names of guilty persons and of places are given; and I am not aware that more than a few unimportant errors have been discovered in these revelations. The learned Erasmus lived and died a faithful son of the Church of Rome. He knew England, and the leaders of public opinion in the country, well. His testimony has a special value. Writing in 1528 to an English Bishop, he tells him some necessary truths: "It would be wrong to say that there are no exceptions. But I beseech you—you who are a pure good man—go round the Religious Houses in your own [English] Diocese; how much will you find of Christian piety? The Mendicant Orders are the worst; and are they to be allowed to tyrannise over us? I do not say this to injure any individual. I say it of those who disgrace their calling. They are hated, and they know why; but they will not mend their lives, and think to bear down opposition with insolence and force. Augustine says that there are nowhere better men than in Monasteries, and nowhere worse. What would he say now—if he was to see so many of these Houses, both of men and women, public brothels? I speak of these places as they exist now among ourselves. Immortal gods! how small is the number where you will find Christianity of my kind!" [1]

[1] Froude's *Life and Letters of Erasmus*, p. 361, edition 1895.

The testimony of the Act for the Suppression of the Lesser Monasteries (27 Henry VIII., cap. 28) may here be cited. It states that :—

"Forasmuch as manifest sin, vicious, carnal, and abominable living is daily used and committed among the little and small Abbeys, Priories, and other Religious Houses of Monks, Canons, and Nuns, where the congregation of such religious persons is under the number of twelve persons, whereby the governors of such Religious Houses, and their Convent, spoil, destroy, consume, and utterly waste, as well their Churches, Monasteries, Priories, principal houses, farms, granges, lands, tenements, and hereditaments, as the ornaments of their Churches, and their goods and chattels, to the high displeasure of Almighty God, slander of good religion, and to the great infamy of the King's Highness and the Realm, if redress should not be had thereof. And albeit that many continual Visitations have been hitherto had, by the space of two hundred years and more, for an honest and charitable reformation of such unthrifty, carnal, and abominable living, yet nevertheless little or none amendment is hitherto had, but their vicious living shamelessly increases and augments, and by a cursed custom so rooted and infested, that a great multitude of the Religious persons in such small Houses do rather choose to rove abroad in apostasy than to conform themselves to the observation of good religion ; so that without such small houses be utterly suppressed, and the Religious persons therein committed to great and honourable Monasteries of religion in this Realm, where they may be compelled to live religiously, for reformation of their lives, there cannot else be no reformation in this behalf."

Many a good deed has been done from imperfect or even unworthy motives, and I do not for one moment suppose that the motives of Henry VIII. in suppressing the Lesser and Greater Monasteries and Convents were specially worthy of praise. His chief object seems to have been the grasping of their great wealth for his own use and that of the courtiers

around him. And, when it was grasped, it was spent, too often, neither wisely nor well. It should have been spent in promoting education, and furthering the true interests of religion in the country. But the country was no worse off for the Suppression of the Monasteries.

It cannot be said that the Papacy, and the adherents of the Papal Supremacy in England acted wisely in their opposition to the measures adopted by Henry and his Parliament. Indeed, they seem to have done everything in their power to exasperate him. The attitude of Cardinal Pole was so exceptionally unwise that even the Abbot Gasquet, writing specially on this subject, is compelled to declare that :—

" One event at this time [1536] must have had its influence in checking the growth of the better feelings in Henry's heart. From the best of intentions, when not coupled with discretion, and when zeal gives full play to angry feelings, the worst consequences often spring. Such must have been the result of the book *De Unitate Ecclesiastica,* which Pole published at this time and addressed to the King. Henry was the last man to be driven along the right path by whips, or coerced into doing his duty by denunciations or strong language. And Pole's book, however true its facts and cogent its arguments, was couched in language sufficiently vehement, for the time at least, to turn the King from his purpose. Too often, unfortunately, in the world's history has solid good been sacrificed to the vainglory of style, and to the power of penning a caustic sentence, and turning with a bitter remark an elegant or striking period, and the work *De Unitate Ecclesiastica* is overflowing with a rhetoric which would have stung many a milder man than Henry Tudor into rebellion, or turned him from purposes of amendment.

" To be told that he, the English King, was worse than the Turk, and to be reminded that, while Charles V. was engaged in his glorious expedition to Africa, he, ' bearing most untruly the name of Defender of the Faith, did not

merely kill, but tore to pieces all the true defenders of the old religion in a more inhuman fashion than the Turk,' was hardly the kind of argument to convince him of the errors of his ways. The unmistakable hints, moreover, which the author throws out as to a probable rebellion of his subjects, were quite sufficient to determine the imperious will of Henry to follow in its old course." [1]

Here is another quotation from Pole's book, which shows him clearly to have been a traitor to his King: "Do you seriously think that the King of France will refuse obedience when the Pope bids him make peace with the Emperor, and undertake your chastisement? He will obey, doubt it not; and when you are trampled down under their feet there will be more joy in Christendom than if the Turks were driven from Constantinople. What will you do? What will become of your subjects when the ports of the Continent are closed, as closed they will be, against them and their commerce? How will they loathe you then! How will you be cast out among the curses of mankind! When you die you shall have no lawful burial, and what will happen to your soul I forbear to say. Man is against you; God is against you. What can you look for but destruction?" [2]

Cardinal Pole was not the only man who said things calculated to exasperate the King. The indictment of John Hale, Vicar of Isleworth, on April 29, 1535, states that at various times between the 2nd and 20th of May, at Isleworth and Syon, he said to the clerk of Teddington: "Since the Realm of England was first a Realm was there never in it so great a robber and pyller of the commonwealth read of nor heard of as our King. . . . Whose death I beseech God may be like to the death of the most wicked King John, sometime King of this Realm, or rather to be called a great tyrant than a King, and that his death may not be much unlike that manqueller Richard, sometime

[1] *Henry VIII. and the English Monasteries*, by Francis A. Gasquet, D.D., pp. 178, 179. Popular edition, 1899.

[2] Froude's *History of England*, vol. ii. p. 462.

usurper of this Imperial Realm. And if thou wilt deeply look upon his life, thou shalt find it more foul and more stinking than a sow." The indictment further states that on March 10th, Hale said to Feron : " Until the King and the rulers of this Realm be plucked by the pates, and brought, as we say, to the pot, shall we never live merrily in England ; which I pray God may chance and now shortly come to pass. Ireland is set against him, which will never shrink in their quarrel, to die in it. And what think ye of Wales ? Their noble and gentle Ap Rice so cruelly put to death, as they say, in the cause. I think not contrary but they will join and take part with the Irish, and so invade our Realm. If they do so, doubt ye not but they shall have aid and strength enough in England ; for this is truth, three parts of England is against the King, as he shall find if he need ; for of a truth they go about to bring this Realm into such miserable condition as is France, which the Commons see and perceive well enough as a sufficient cause of rebellion and insurrection in this Realm. And truly we of the Church shall never live merrily until that day come." [1] However much we may pity the fate of Hale, who was brought in his old age to an untimely end, there can be no doubt that the proceedings of the King had made him thoroughly disloyal, and had the country been invaded for the purpose of dethroning Henry, he would have given his approval and support to the invaders. John Hale was executed on May 4, 1535. In 1886 Pope Leo XIII. honoured him by Beatification.

Four Carthusian Monks were executed at the same time and place as John Hale, viz. John Houghton, Robert Lawrence, Augustine Webster, and Richard Reynolds. The only charge brought against these Monks was that they refused to accept Henry as Supreme Head of the Church. Unlike John Hale, they were not also charged with uttering seditious language against the King such as he had used. These Carthusian Monks were clearly Martyrs to their

[1] *Letters and Papers of the Reign of Henry VIII.*, vol. viii. pp. 229, 230.

religion, and however much we may regret the attitude they adopted, and the fearful penalty they suffered, they deserve that measure of honour which is always due to sincere men, who have the courage of their convictions, and are prepared to suffer for them. And, I think, the same remark may equally apply to the execution of Sir Thomas More, who, though a persecutor of Protestants, had been a useful and faithful servant to Henry, and had not encouraged any rebellious action against him. But Bishop Fisher cannot be said to have been free from blame in this latter direction, though in some respects his case was one which we may well pity. That learned Roman Catholic historian, the late Lord Acton, tells us that Fisher "put himself in communication with the Imperialists with a view to effective intervention." [1] Fisher was urgent that the Emperor Charles V. should prepare an invasion of England.[2] Writing from England to the Emperor, on September 27, 1533, Chapuys, his Ambassador to England, stated that: "The good Bishop of Rochester [Fisher] has sent to me to notify that the arms of the Pope against these obstinate men [*i.e.* Henry and his supporters] are softer than lead, and that your Majesty must set your hand to it, in which you will do a work as agreeable to God as a war against the Turk." There can, therefore, be no doubt that Fisher was a traitor, in the strict sense of that term. Lord Acton remarks: "Death for the sake of conscience has surrounded the memory of Fisher with imperishable praise; but at that time he was the one writer among our countrymen who had crudely avowed the conviction that there is no remedy for religious error but fire and steel; and the sanction of his fame [? name] was already given to the Bloody Statute, and to a century of persecution and of suffering more cruel than his own." [3]

The adherents of the Pope's Supremacy in England again acted unwisely and disloyally when they promoted

[1] *Lectures on Modern History*, by Lord Acton, p. 141.
[2] Pollard's *Henry VIII.*, p. 305.
[3] *Historical Essays and Studies*, by Lord Acton, p. 31.

open rebellion by the Pilgrimage of Grace in 1536. It would have been better for them if they had consented to suffer rather than appeal to the sword. The principal object the rebels had in view was the restoration of the Monasteries and the Papal Supremacy over the Church of England, and also the punishment of the Bishops who were suspected of Protestantism, and of all who adopted what they considered religious errors. The oath taken by the rebels pledged them to fight for "the restitution of God's Church, and the suppression of erroneous opinions." [1] It would have been a bad day for the Protestants had the rebellion succeeded. Robert Aske, the leader, in a written statement declared that "the suppression of Abbeys was the greatest cause of the insurrection." [2] When the news of the rebellion reached Rome there were great rejoicings. On Christmas Eve, at midnight, Pope Paul III. solemnly blessed, in St. Peter's, a sword and cap as they lay on the altar. They were intended as a present to James V., King of Scotland, who, it was expected, would support the insurgents with his arms—the sword, that he might smite therewith the enemies of the Roman faith; and the cap, that it might guard the King's life while wearing it in his "sacred enterprise." [3] The Pilgrimage of Grace was a very formidable rising. It is not necessary for my purpose to describe it in detail. It will suffice if I state that it was eventually suppressed, and that the ringleaders were brought to trial, and condemned to death. In addition to Robert Aske, they included Lord Darcy, Sir Thomas Darcy, Sir Robert Constable, Sir Stephen Hamilton, and several Abbots and priests. They were all indicted together, for that they as false traitors did conspire "to deprive the King of his Royal dignity, viz. of being on earth the Supreme Head of the Church of England, and to compel the King to hold a Parliament, and did commit

[1] Dodd's *Church History*, vol. i. p. 430, Tierney's edition.
[2] Gasquet's *Henry VIII. and the English Monasteries*, p. 226.
[3] Froude's *History of England*, vol. iii. p. 1.

various rebellions and insurrections at Pontefract, divers days and times before the said 10th day of October. And furthermore that at Doncaster, 20th October, 28 Hen. VIII., they assembled and conspired to levy war against the King. And that, although the King had graciously pardoned them, the conspirators, all offences committed by them from the beginning of the Rebellion to 10th December, 28 Hen. VIII., nevertheless they, persevering and continuing in their treasons, did subsequently to such pardon, viz., the 17th January, 28 Hen. VIII., at Sedryngton, Tempyle Hyrst, Flamborough, and Beverley, [did] compass and imagine to deprive the King of his Royal dignity, and to compel the King to hold a Parliament and Convocation of the clergy of the Kingdom, and to annul divers good laws made for the commonwealth of the people of England, and to depose and deprive the King of his Royal power, liberty, state, and dignity, by force and danger of death." [1]

Probably nothing exasperated Henry more, or did the Papal cause in England more injury than the conduct of Pope Paul III. at this time. He prepared a Bull excommunicating the King of England in 1535, but he thought it well not to publish it until 1538. It was written in a most offensive style. The Pope not only excommunicated Henry, but also declared that he was no longer King. He forbade his subjects to keep towards him their Oaths of Allegiance, and invited Roman Catholic Sovereigns to invade his Kingdom, depose him from his Throne, and make slaves of his adherents.

"We pronounce," said the Papal Bull, "that Henry himself has incurred the penalty of deprivation of his Kingdom and aforesaid Dominions; and that both he and also all and every other the aforesaid admonished parties have incurred all and every other of the aforesaid penalties; and they and their effects are for ever to be severed from all the faithful servants of Christ. And if in the meantime he shall die, we by our authority and plenary

[1] *Annals of the House of Percy*, by Edward B. De Fonblanque, vol. i. pp. 569–571, privately printed.

power do declare and decree that he be deprived of ecclesiastical sepulture ; and we strike them with the sword anathema, malediction, and eternal damnation.

" And we absolve and altogether set free from the aforesaid King or his accomplices, abettors, adherents, advisers, and followers aforesaid, and from the Oath of Allegiance, vassalage and all obedience to the King and other the parties aforesaid, the magistrates, judges, constables, guardians, and officers of King Henry himself, and of his Kingdom, and all other his dominions, cities, lands, castles, villages, fortresses, citadels, towns, and palaces, even though in fact by him holden ; and, moreover, all communities, Universities, Colleges, feudatories, vassals, subjects, citizens, inhabitants, and also foreigners in fact obeying the said King, as well seculars as ecclesiastics, if any by reason of any temporality recognise King Henry as their superior. These, nevertheless, we command, under the penalty of excommunication, entirely and altogether to abstain from obeying the same King Henry and his officers, judges, and magistrates whomsoever, and not to acknowledge them as superiors or submit to their commands.

" And in order that others, frightened by their example, may learn to abstain from excesses of this kind, we by the same authority, knowledge, and plenary power, do will and decree, that King Henry and his accomplices, abettors, adherents, advisers, followers, and other parties guilty in the premises (after they have respectively incurred the other beforementioned penalties, as aforesaid), and moreover, their aforesaid descendants, be from that time infamous and not permitted to give evidence ; that they be incapacitated from making or granting wills and codicils or other dispositions, even amongst the living ; and that they be incapacitated from succession by will or intestacy ; and also from any jurisdiction or power of judging, or from the office of notary, and from all other legal acts whatsoever ; so that their processes or instruments, and other acts whatsoever, be of no force or validity ; and that no persons be held responsible to them in law, and that they be held responsible to others upon every debt and matter, both civil and criminal.

" And, nevertheless, under the penalty of excommunication, and other the after-written penalties, we warn all the faithful in Christ to shun, and so far as possible, to cause others to shun, the aforesaid excommunicated, re-excommunicated, interdicted, deprived, accursed and condemned persons ; and not to have any commerce, conversation, or communion with the same per-

sons, or with the citizens, inhabitants, either sojourners or subjects, and vassals of the aforesaid King, cities, dominions, lands, castles, counties, villages, fortresses, towns and places aforesaid; by buying, selling, exchanging, or transacting any kind of merchandise or business; or to convey or contract for, or cause to be conveyed or contracted for, wine, corn, salt, or other victuals, arms, clothes, wares, or other merchandise, or any goods by sea in their ships, galleys, or other vessels, or by land with mules and other animals; or to receive goods bought by them publicly or privately; or to presume in any manner to give to persons doing such things, aid, counsel, or favour, publicly or privately, directly or indirectly, under any pretence, by themselves or by any other person or persons; but if they do so, let them in like manner by the very act incur in addition to the penalty of excommunication the loss of their wares, victuals, and all conveyed goods, which shall become the property of the captors.

"Besides—if (notwithstanding the premises) King Henry, his accomplices, abettors, adherents, advisers, and followers aforesaid, shall persevere in their obstinacy, and the stings of conscience shall not restore them to a right state of mind, trusting, perhaps, in their power of arms,—We require and warn all and every Dukes, Marquises, Earls, and others whomsoever, both secular and ecclesiastical, even foreigners (*etiam forenses*) *de facto*, obeying the said King Henry, under pain of the same excommunication, and loss of their goods (which, as aforesaid, shall become the property of the captors), that, laying aside every delay and excuse, they do expel those persons and every of them and their soldiers and stipendiaries, both horsemen and footmen, and others whomsoever, who shall support them with arms, from the Kingdom and dominions aforesaid, even by force of arms, if necessary.

"For We, by the same authority, knowledge, and plenary power, grant to them [*i.e.* the invaders of England] the full licence, power and authority of converting to their own use the goods, merchandise ships, effects, and animals, aforesaid so taken, and decree that all those things do plenarily appertain, and belong to the same captors; and that all natives of the Kingdom and dominions aforesaid, or persons domiciled, or in any manner dwelling within them, and not obeying our aforesaid commands, (wheresoever they may happen to be taken), shall become the slaves of the captors."[1]

[1] *Henry VIII.: An Historical Sketch*, by Charles Hastings Collette, pp. 223–236.

After reading these extracts from the Papal Bull can anybody wonder that, thereafter, Henry looked on all, who subsequently maintained the Pope's Supremacy, as traitors? The Bull did the Pope's friends in England more harm than it did to Henry himself. One result was that an army and navy was collected on the Continent to give effect to the Pope's wishes, by an invasion of England; but happily these efforts came to naught. Froude says that Paul III. actually issued "a promise of indulgence to all pious Catholics who would kill an English heretic." [1] The Pope also sent two Jesuits to Ireland, named Salmeron and Broet, for the purpose of encouraging the natives in a rebellion against Henry VIII. They brought with them to Con O'Neill, the leader of the Northern Irish, a letter from the Pope praising him for his rebellion. Allen, Lord Chancellor of Ireland, writing to Cromwell at this time, remarked: "The Bishop of Rome is the only author of their [rebels'] detestable purpose, and the King of Scots a special comforter and abettor. There passeth daily messengers from them to Scotland, and from thence to Rome." [2] It is satisfactory to learn that the Pope's Bull was met in England by a declaration, signed by nineteen Bishops and twenty-five Doctors of Divinity and Law, in which they asserted that: "The people ought to be instructed, that Christ did expressly forbid His Apostles or their successors to take to themselves the power of the sword, or the authority of Kings. And that, if the Bishop of Rome, or any other Bishop, assumed any such power, he was a tyrant and usurper of other men's rights, and a subverter of the Kingdom of Christ." [3] It was well for these Bishops that Henry was powerful enough to protect them from any punishment the Pope would have inflicted on them for their declaration, had their King been a weaker man.

What is known as the Exeter Conspiracy, of 1538, also

[1] Froude's *History of England*, vol. iii. p. 245.
[2] *Ibid.*, vol. iii. p. 433, *note*.
[3] Burnet's *History of the Reformation*, vol. i. p. 394, Oxford edition.

tended to increase the anger of Henry VIII., and especially against the Pole family. There can be no doubt that Cardinal Pole was a traitor, who travelled through the Continent seeking to raise a foreign army for the invasion of England, with a view to dethroning Henry, in accordance with the deposing Bull of the Pope. There can be no doubt that the conspiracy existed, and that the Marquis of Exeter and Lord Montague, Pole's brothers, deserved the death of traitors for the part they took in it. But, unfortunately, Henry was not content with shedding their blood. Their mother also, the Countess of Salisbury, was arrested, and after remaining in prison about two years, she also was executed, being at the time seventy years old. Pity for his enemies seems to have never entered the heart of the King. Probably the Countess did sympathise with the conspiracy, but it was not proved that she actively assisted it. However this may be, she certainly was not executed for religion, nor for denying the spiritual Supremacy of the King. And it is on this account that the conduct of Cardinal Manning and the English Roman Catholic Bishops is worthy of special censure for having induced Pope Leo XIII. to raise her to the rank of a Beatified Saint in 1886. Probably it was because she was believed guilty of treason that she was thus honoured, as so many other traitors were at the same time.

CHAPTER X

EDWARD VI.—MARY

Protestantism comes into Power—Rome claims no Martyrs in Edward's Reign—The English Bible in every Parish Church—Reforming Acts in Edward's Reign—Three Popish Rebellions in Edward's Reign—Accession of Mary—Disabilities imposed on Protestants—These not condemned by Modern Romanists—The Suffolk Protestants support Mary—Her Promise to them broken—Her bitter Persecution of Protestants—Papists elected to Parliament by Dishonourable Tactics—Sir Thomas Wyatt's Rebellion—Its real Object—Persecuting Laws revived—Restoration of the Pope's Supremacy—Even in Mary's Reign some Disabilities were imposed on the Papacy—She refuses to receive Peto as Papal Legate—The Lambeth Synods renew Penalties for Heretics.

With the accession of Edward VI., in 1547, Protestantism for the first time came into power. In the reign of Henry VIII. the political power of the Pope was destroyed; in that of his son Protestantism was built up. Administrative changes were numerous and important under Edward VI., but there was no need for much anti-Papal legislation. It was, however, thought necessary to re-enact the law affirming that the King was the Supreme Head of the Church of England, and punishing those who maintained the Supremacy of the Pope. This was done by the Act 1 Edward VI., cap. 12, sections 6, 7, 8, which provided that he, who by "open preaching, express words or sayings," affirmed that the King was not the Supreme Head of the Church, should suffer, for the first offence, the loss of all his goods and chattels, and imprisonment at the King's pleasure; for the second offence, the loss for life of all the profits from his lands, benefice, and goods, and imprisonment for life; and for the third offence, in addition, the loss of life. It is remarkable that in all the

modern lists of Roman Catholic "Martyrs" in England not even one of the names is taken from the reign of the first Protestant King of England. A spirit of liberty had arisen in the land, and though it was not as powerful as in our own day, it was a great step in advance of the times of Henry VIII., and affords a startling contrast with the intolerance which prevailed during the succeeding reign of his sister, Queen Mary. Dodd, the Roman Catholic historian, acknowledges that: "It is true, he [Edward VI.] seemed not inclined to shed blood on that account [*i.e.* of religion]; and, therefore, no sanguinary, but only penal, laws were executed upon such as stood off." [1]

The work of Reformation began early in this Reign. In 1547 Injunctions were issued in the King's name, ordering that all ecclesiastical persons observe the laws for abolishing the usurped authority of the Bishop of Rome, and once a quarter, at least, they should declare the Word of God, and dissuade the people from pilgrimages and praying to images. That images, abused with pilgrimages and offerings, be taken down and destroyed; and that the Bible in English, with the Paraphrase of Erasmus on the Gospel, be conveniently placed in every Church, for the people to read therein; and that all shrines, covering of shrines, pictures and paintings of pretended miracles, be taken away and destroyed.[2]

In the same year, by Statute 1 Edward VI., cap. 1, it was ordered, as more agreeable to the institution of Christ, that the Sacrament of the Lord's Supper be given to the people in both kinds, and that "the people being present should receive the same with the priest, than that the priest should receive it alone." By 1 Edward VI., cap. 12, the infamous Six Articles Act was repealed, much to the joy of the Protestants, against whom it had been passed. The Acts of Henry IV. and Henry V. against the Lollards were also repealed. By Statute 1 Edward VI.,

[1] Dodd's *Church History*, vol. ii. p. 49, Tierney's edition.
[2] Fuller's *Church History*, vol. iv. pp. 10–16.

cap. 14, the Chantry lands, which had been set apart to pay for Prayers and Masses for the Dead, were granted to the King, for "good and godly uses, in erecting Grammar Schools, in further augmenting the Universities, and better provision for the poor and needy." Unfortunately a large proportion of these lands were seized by the courtiers. By the first Act of Uniformity, 2 and 3 Edward VI. cap. 1, the First Book of Common Prayer was legalised, and it was ordered that any clergyman who should refuse to use the book, or who should speak against it, should, for the first offence, lose one year's profit of his benefice, and be imprisoned for six months. For a second offence, the penalty was one year's imprisonment, and the deprivation of all his spiritual promotions; and for a third offence, he should suffer imprisonment for life. By 2 and 3 Edward VI., cap. 21, the marriage of priests was legalised. In the year 1549, an Act was passed (3 and 4 Edward VI., cap. 10), for abolishing and putting away certain Popish Liturgical books, Missals, &c., and ordering that all images should be destroyed. Any person willingly retaining such books or images were, for the first offence, to be fined twenty shillings; for the second offence, £4, and for the third, suffer imprisonment at the King's will. When these Popish books had been delivered up to the Archbishops and Bishops, should they neglect to have them burnt or destroyed, then each Episcopal offender should pay a fine of £40 for each offence. By the second Act of Uniformity, 5 and 6 Edward VI., cap. 6, the Revised Book of Common Prayer, of 1552, was legalised, and it was provided that if any person were wittingly present at any manner or form of Common Prayer, excepting that provided by this book, he should be liable to imprisonment for six months; for a second offence, to one year's imprisonment; and for a third offence, imprisonment for life. Those who refused to attend the provided services regularly were to be punished with "the censures of the Church." Of course, all who, after the passing of the last-named Act,

attended Mass according to the Roman Catholic form, were liable to the penalties provided.

During the brief reign of Edward VI. no fewer than three Rebellions were raised against him by the Romanists, one in the Eastern Counties, a second in Yorkshire, and a third—the most formidable of all—in Cornwall; and all for the restoration of Roman Catholic doctrines. Under such circumstances it was very much to the credit of his Government that no Roman Catholic was put to death for his religion during this period. It was a reign for which England had every reason to thank God.

With the accession of Queen Mary, in 1553, began the History of Disabilities *imposed upon Protestants*. Those Roman Catholics who now cry out so loudly against Papal Disabilities have nothing to say, even in this enlightened age, against the persecutions and burnings of Protestants in Mary's reign, though these were not for political offences, but solely on account of religion. Mary began her reign by an act of shameful deception. During the brief reign of the unfortunate Queen Jane, Mary, while in Suffolk, was in considerable danger of losing the Throne. The Suffolk Protestants, in her distress, promised her help and aid, provided she would first of all promise that, when she became Queen, she would make no attempt to alter the laws relating to religion passed in the time of her brother, Edward VI. She promised that she would make no innovation in religion, though we now know that she never meant to keep it; for she was barely seated on her Throne before she commenced those persecutions which have made her reign such a dark spot in the history of England. Rapin says that on August 12th, 1553: "The Queen in Council declared she would use no force upon conscience in affairs of religion. Great care was taken to disperse this declaration, and to magnify it as a great instance of the Queen's generosity. But the Protestants easily saw the difference betwixt her declaration in Council and her promises to the Suffolk men. She had told these,

that religion should be left in the same state as at Edward's death; but in the declaration thought it sufficient to give a general assurance that Protestants should not be forced to embrace the Romish religion; for this was the most natural meaning of her expressions. This restriction to her first promise greatly alarmed them." [1] In acting thus, Mary was, towards the close of the seventeenth century, imitated by our last Roman Catholic King, James II. He faithfully promised to maintain the religion of the Church of England, and then set to work to upset it, and bring in Romanism in its place. From these two instances we may learn how little the promises of Roman Catholic Princes, in matters of religion, can be trusted by their Protestant subjects. Though England has long since repealed the persecuting Penal Laws passed in Mary's reign, the Church of Rome until this day retains and teaches *her* Penal Laws under whose sanction our Protestant Martyrs were put to death. Mary was, indeed, ungrateful to those without whose help she would never have ascended the Throne. As Strype remarks: "It is notorious to the world that they were Protestants chiefly that placed her in her Kingdom." [2]

It is not a little remarkable that the very first clause of the first Act of Parliament of Mary's reign contained a statement in favour of ruling by love rather than fear! It rather hypocritically declared that: "The state of every King, Ruler and Governor of any Realm, Dominion, or Commonalty, standeth and consisteth more assured by the love and favour of the subject toward their Sovereign Ruler and Governor, than in the dread and fear of laws made with rigorous pains and extreme punishment for not obeying of their Sovereign, Ruler and Governor." It would have been well for England, and well for Mary's memory, had she acted on the charitable lines laid down in this statement. Unfortunately the whole history of

[1] Rapin's *History of England*, vol. vii. p. 110.
[2] Strype's *Ecclesiastical Memorials*, vol. iii. part i. p. 17.

her attitude towards the Protestants was in flat contradiction to its charitable principles. Probably it was inserted in the Act for the special purpose of putting the Protestants to sleep, until the Queen was strong enough to adopt rigorous measures for their repression.

Writing to the Father Confessor of Charles V., in November, 1553, about the expected restoration of Papal Supremacy in England, Cardinal Pole remarked: "With regard to the expediency of the restitution of that obedience [to the Pope] at the present time, or the necessity of waiting for a more sure establishment of the power of the Queen, it must be considered that she is not only called to it by the rewards of a future life, but also by those of the present world, inasmuch as, failing the support of the Holy See, she would not be the legitimate heir to the Crown, for the marriage of her mother was not valid but by a dispensation from his Holiness; so that obedience to the Holy See is necessary to secure her power, *since upon it depends her very claim to the Crown*" [1]—*i.e.* of England.

It is not within the province of this work to give a detailed history of the bitter persecutions suffered by the Protestants in Mary's unhappy reign. It will suffice for my purpose to mention a few political events, and some of the laws passed in support of Papal authority against the professors of the Evangelical Gospel. And even this only indirectly comes in the task I have undertaken, viz. a history of Disabilities imposed on the Papacy, rather than the Disabilities imposed upon Protestants in this Reign. "Lest we forget" is the title of a well-known modern poem. There is reason to fear that many Englishmen in these days are apt to forget, and need their memories refreshed.

Mary knew that she could not legally re-establish the Supremacy of the Pope until a new Parliament had been elected, composed of men likely to accede to her wishes.

[1] *Calendar of Foreign State Papers*, 1553–1558, p. 20.

There were too many who favoured Protestantism in Parliament when she came to the Throne: these must be removed and others of a more compliant spirit elected in their stead. To bring this about, dishonourable tactics were adopted which are thus described by Rapin:—

"The Court had resolved to abrogate all the laws made in favour of the Reformation, and to restore the ancient religion. This was not to be done without the concurrence of the Parliament. But if elections had been left free, it would have been difficult, not to say impossible, for the Queen to succeed in her design. The number of the Reformed was without comparison greater than that of the Roman Catholics, and consequently the Elections would not probably be favourable to her. But besides the ordinary ways made use of by Kings to have Parliaments at their devotion, all sorts of artifices, frauds, and even violences, were practised in this. And care was taken beforehand to change the Magistrates in the cities and counties, and there was hardly one but who was a Catholic, or had promised to be so; everything tending to the election of Catholic representatives was countenanced. On the contrary, those who were suspected of an inclination to choose Protestants, were discouraged by menaces, actions, imprisonments, on the most frivolous pretences. In several places things were carried with such violence, that Protestants were not allowed to assist in the assemblies where the Elections were to be made. In short, in places where it was not possible to use these direct means, by reason of the superiority of the Reformed, the Sheriffs, devoted to the Court, made false returns. . . . By these methods the Court secured a House of Commons ready to comply with their suggestions, and whose members had an interest in the change of religion, or were indifferent to all religious establishments." [1]

We thus learn that the progress of the Reformation

[1] Rapin's *History of England*, vol. vii. pp. 118, 119.

was stopped by frauds, threats, violence, and deception, at the commencement of Mary's Reign ; and, subsequently, by imprisonments, tortures, and burnings.

Already negotiations had been entered into for the marriage of Mary with Philip, son of the Emperor Charles V. The proposed marriage was most unpopular in England, where there was a widespread dread lest it should lead eventually to the subjection of England to Spanish domination. This was the cause of Sir Thomas Wyatt's rebellion, which was not undertaken with the object of restoring the Protestant religion, but of keeping out foreign power and rule. At that time the danger seemed a very formidable one, and, as a result, Wyatt's rebellion had widespread sympathy throughout the country, even amongst some who had no love for Protestantism, but had a very sincere regard for national independence. Had Wyatt succeeded there can be but little reason to doubt that the Princess Elizabeth would have been proclaimed Queen at once, and as a consequence Popery would not have been restored. The persecutions of Protestants came later, and therefore could not have been the cause of the outbreak. As the French King wrote at the time to his Ambassador at Venice, describing the rising in England : " It was held certain that all England would rise in like manner at the same time, all preferring to die in battle rather than to become subject to a foreign Prince. It is most certain that the whole people are embittered against the marriage." [1] But Wyatt's attempt failed, and those who took a leading part in it paid the penalty of their action on the scaffold. So far were the leading Reformers from sanctioning rebellion that, on 8th May 1554, the Protestant Bishops, Hooper, Ferrar, Philpot, Taylor, Rogers, and Coverdale, signed a united declaration—they being at the time in prison—in which they stated that : " As obedient subjects we shall behave ourselves towards all that be in authority, and not cease to pray God for them, that He would

[1] *Calendar of Foreign State Papers*, 1553–1558, p. 59.

govern them all, generally and particularly, with the spirit of wisdom and grace. And so we heartily desire, and pray all men to do, in no point consenting to any kind of rebellion or sedition against our Sovereign Lady, the Queen's Highness: but where they cannot obey, but they must disobey God, then to submit themselves with all patience and humility to suffer as the will and pleasure of the higher powers shall adjudge."

When Parliament assembled it readily undertook the work planned for it by the Queen and other adherents of the Papacy. The first thing required was power to persecute the Protestants. This was done by reviving three persecuting Acts of Parliament, passed for the purpose of suppressing the followers of Wycliffe. These Acts were those of 5 Richard II., statute 2, cap. 5; 2 Henry IV., cap. 15; and 2 Henry V., cap. 7. The first of these three had been fraudulently inserted on the Statute Book, as we have already seen. This time, however, it was passed by both Houses. This revived Act of Richard II. stated that divers persons were "going from County to County, and from town to town in certain habits under dissimulation of great holiness, and without the licence of the ordinaries," preaching daily not only in Churches and Churchyards, "but also in markets, fairs, and other open places," sermons "containing heresies and notorious errors"; and, consequently:—

"It is ordained and assented in this present Parliament, that the King's commissions be made and directed to the Sheriffs and other ministers of our Sovereign Lord the King, or other sufficient persons learned, and according to the certifications of the Prelates thereof, to be made in the Chancery from time to time, to arrest all such preachers, and also their fautors, maintainers, and abettors, and to hold them in arrest and strong prison, till they will justify them according to the law and reason of Holy Church. And the King will and commandeth, that the Chancellor make such commissions at all times, that he

by the Prelates, or any of them, shall be certified and thereof required, as is aforesaid."

Strictly speaking, this Act was not revived, since it had never been legally passed, but from this time it was a strictly legal enactment. The second Act to be revived, 2 Henry IV., cap. 15, had, before this, been twice repealed; first by 25 Henry VIII., cap. 14; and, secondly, by 1 Edward VI., cap. 12. This revived law is commonly known as the Act *De Hæretico Comburendo*. It stated that "false and perverse people of a new sect," meaning the Lollards :—

"Usurping the office of preaching, do perversely and maliciously in divers places within the said Realm, under the cover of dissembled holiness, preach and teach in these days openly and privily, divers new doctrines, and wicked, heretical, and erroneous opinions, contrary to the same faith and blessed determinations of the Holy Church. And of such sect and wicked doctrine and opinions they make unlawful Conventicles and confederacies; they hold and exercise schools, they make and write books, they do wickedly instruct and inform people, and, as much as they may, excite and stir them to sedition and insurrection, and make great strife and division among the people, and other enormities horrible to be heard, daily do perpetrate and commit, in subversion of the said Catholic faith, and doctrine of the Holy Church."

"And that this wicked sect, preachings, doctrines, and opinions, should from henceforth cease and be utterly destroyed, by the assent of the States and other discreet men of the Realm, being in the said Parliament, hath granted, established, and ordained from henceforth firmly to be observed: That none within the said Realm, or any other Dominions, subject to his Royal Majesty, presume to preach openly or privily, without the licence of the Diocesan of the same place first required and obtained, Curates in their own Churches, and persons hitherto privileged, and other of the Canon Law granted, only except. Nor that none from henceforth anything preach, hold, teach, or instruct, openly, or privily, or make or write any book contrary to the Catholic faith, or determination of the Holy Church, nor of such sect and wicked doctrines and opinions shall make any Conventicles, or in anywise hold or exercise Schools. And also that none from henceforth in anywise favour such preacher, or

maker of any such and like Conventicles, or holding or exercising Schools, or making or writing such books, or so teaching, informing, or exciting the people, nor any of them maintain or anywise sustain. And that all and singular having such books, or any writings of such wicked doctrine and opinions, shall really, with effect, deliver, or cause to be delivered, all such books and writings to the Diocesan of the same place within forty days from the time of the proclamation of this ordinance and Statute. And if any person or persons, of whatsoever kind, estate, or condition that he or they be, from henceforth do, or attempt, against the Royal ordinance and Statute aforesaid, in the premises or in any of them, or such books in the form aforesaid, do not deliver, then the Diocesan of the same place in his Diocese, such person or persons in this behalf defamed or evidently suspected, and every of them, may by the authority of the said ordinance and Statute, cause to be arrested; and under safe custody in his prisons to be detained till he, or they, of the articles laid to him, or them, in this behalf, do canonically purge him, or themselves. . . . And if any person in any case above expressed, be before the Diocesan of the place, or his Commissaries, canonically convict, then the same Diocesan may cause to be kept in his prison the said person so convict for the matter of his default, and after the quality of the offence according and so long as to his discretion shall seem expedient, and moreover to put the same person to the secular Court (except in cases where he, according to the Canonical Decree, ought to be left) to pay to our Sovereign Lord the King his pecuniary fine, according as the same fine shall seem competent to the Diocesan. . . . And if any person within the said Realm and Dominions, upon the said wicked preachings, doctrines, opinions, Schools, and heretical informations, or any of them, be before the Diocesan of the same place, or his Commissaries sententially convict, and the same wicked sect, preachings, doctrines, and opinions, Schools and informations, do refuse duly to abjure, or by the Diocesan of the same place, or his Commissaries, after the abjuration made by the same person pronounced, fall into relapse, so that according to the holy Canons he ought to be left to the secular Court, whereupon credence shall be given to the Diocesan of the same place, or to his Commissaries in this behalf; then the Sheriff of the County of the same place, and Mayor and Sheriff, or Sheriffs, or Mayor and Bailiffs of the city, town, and borough of the same County next to the same County next to the said Diocesan, or the said Commissaries, shall be presently present in preferring of such sentences, when they by

the same Diocesan, or his Commissaries, will be required; and they the same persons and every of them, after such sentence promulgate, shall receive, *and them before the people in an high place do* TO BE BURNT, that said punishment may strike in fear to the minds of other, whereby no such wicked doctrine, and heretical and erroneous opinions, nor their authors and fautors in the said Realm and Dominions, against the Catholic faith, Christian law, and determination of the Holy Church (which God prohibit) be sustained or in anywise suffered. In which all and singular the premises concerning the said ordinance and Statute, the Sheriffs, Mayors, and Bailiffs, of the said Counties, cities, boroughs, and towns, shall be attending, aiding and supporting to the said Diocesans and their Commissaries."

The third Act revived at this time, viz. that of 2 Henry V., cap. 7, ordered the Chancellor, Treasurer, Justices, Justices of the Peace, Sheriffs, Mayors, Bailiffs, "and all other officers," shall make an oath to destroy all "Lollardies" with all their power; and that they shall "assist the Ordinaries and their Commissaries, and them favour and maintain as often as they, or any of them, to that shall be required by the same Ordinaries or their Commissaries." All persons that shall be convicted of heresy, and "by the said Ordinaries or other Commissaries, left to the secular power, according to the laws of Holy Church, shall lose and forfeit all their lands and tenements." "And forasmuch as the conifance of heresy, errors, and Lollardies belongeth to the judgment of Holy Church, and not to secular judges, such persons indicted shall be delivered to the Ordinaries of the places, or their Commissaries . . . the Ordinaries commence their process against such persons indicted in the same manner as though no indictment were, having no regard to such indictments"—that is, before the secular powers.

Of course, this last cited Act was not so severe as that passed by Henry IV. But in each case no Protestant could be punished without the active assistance and sentence of "Holy Church," acting through her Bishops or other representatives. If the Marian Bishops had abstained

from initiating prosecutions, there was no provision made to punish them for neglect of duty. Without the Church's active assistance, therefore, not one of our Protestant Martyrs in Mary's Reign could have been put to death. It was the influence of the Church of Rome which caused these persecuting laws to be revived, and through her officers alone were they enforced.

The celebrated Act, 1 and 2 Philip and Mary, cap. 8, restoring the Papal Supremacy, and abolishing all laws against it, retained for the Crown certain powers which placed a limit on Papal claims. As Dr. T. Dunbar Ingram remarks: "The Statute by which England was reconciled to the Papacy was by no means the general surrender it is commonly represented to be. Important rights of the nation, and of the Crown, were declared in it, and were secured anew. The 35th Section, relating to the assurance of ecclesiastical property to the new possessors, while it recites that the Pope by his dispensation had removed all impeachment arising from the *Canon* Law, asserts 'that the title of all lands, possessions, and hereditaments in this your Majesty's Realm and Dominions is grounded in the laws, statutes, and customs of the same, and by your high jurisdiction, authority Royal, and Crown Imperial, and in your Courts only to be impleaded, ordered, tried, and judged, and none otherwise.' The admission of Papal Bulls, dispensations, and privileges was strictly guarded, 'all Bulls, dispensations, and privileges obtained before the said twentieth year [of Henry VIII.] or at any time since, or which shall hereafter be obtained from the See of Rome, *not containing matter contrary or prejudicial to the authority, dignity, or pre-eminence Royal and Imperial of these Realms, or to the laws of this Realm* now being in force and not in this Parliament repealed, may be put in execution.'" [1] So that, as we thus see, even in the Reign of the Roman Catholic Queen Mary, some disabilities and restrictions had to be placed on the Papal authority. The

[1] Ingram's *England and Rome*, pp. 208, 209.

Pope was not even then allowed to do just what he liked in every respect.

Queen Mary showed a spirit of national independence towards Rome in another respect. She enforced the old laws against permitting the presence of Papal Legates in England, without the sanction of the Sovereign being first had and obtained. For a short time she would not allow even her kinsman, Cardinal Pole, to land in England as Papal Legate, and until she consented he dared not enter the country. Some years later the Pope gave her great offence by withdrawing from Pole his Legative powers, and summoning him to Rome to answer charges of heresy. Not only did the Pontiff act thus, but he, in 1557, made one William Peto, a Franciscan Friar, one of the Queen's subjects, and her Father Confessor, Cardinal, and appointed him Papal Legate in the room of Pole. This made the Queen very angry, and she, by her personal letters addressed to the Pope, and by communications addressed to him by her Ambassador at Rome, Sir E. Carne, let him know in very plain language what she thought of his conduct. She positively refused to receive Peto as Legate, or to allow Pole to go to Rome. The Pope sent a Nuncio to Peto to convey to him the Cardinal's hat, but the Queen, in the exercise of her legal rights, refused to allow him to enter England, and therefore he had to carry the hat back with him to Rome. The Pope, in turn, was very much annoyed, because he could not have everything his own way in England; but as Peto very conveniently died soon after, the storm blew over. Pole did not go to Rome, and he was allowed to continue his office as Legate until his death. In this struggle Mary gained a victory over the Pope. Pole is said, at times, to have shown some leniency towards the Protestants; but however this may be it is certain that in the Lambeth Synod in 1556, he caused to be passed a decree, renewing all the "penalties" against heretics enacted by the Church of Rome, and these, as is well known, included imprison-

ment, tortures, and death. The third of these decrees was as follows :—

"We prohibit and forbid any opinion which is at variance or does not agree with the same [Roman Catholic] faith, to be believed, practised, or taught. We damn and anathematise all heretics of whatsoever description or kind, who believe, hold, and teach otherwise than the same Church of Rome believes, holds, and teaches. We also renew, and in every point command to carry into execution, all censures *and penalties* enacted against heretics and their supporters, as also against Ordinaries and all others to whom this relates, who are remiss in extirpating heresies." [1]

With reference to Mary's opposition to the Pope in the matter of Peto and Pole, Lord Burleigh makes these pertinent remarks, in his *Execution of Treason*, published in 1583 : "Neither was Queen Mary, the Queen's Majesty's late sister, a person not a little devoted to the Roman religion, so afraid of the Pope's cursings, but that she and her whole Council, and that with the assent of all the Judges of the Realm, according to the ancient laws, in favour of Cardinal Pole, her kinsman, did forbid the entry of his Bulls, and of a Cardinal's hat at Calais, that was sent from the Pope for one Friar Peto, whom the Pope had assigned to be a Cardinal in disgrace of Cardinal Pole ; neither did Cardinal Pole himself at the same time obey the Pope's commandments, nor showed himself afraid, being assisted by the Queen, when the Pope did threaten him with pain of excommunication, but did still oppose himself against the Pope's commandment for the said pretended Cardinal Peto ; who, notwithstanding all the threatenings of the Pope, was forced to go up and down in the streets of London like a begging Friar : a stout resistance in a Queen for a poor Cardinal's hat ; wherein

[1] *The Reform of England by the Decrees of Cardinal Pole*, translated by Henry Raikes, M.A., Registrar of the Diocese of Chester (privately printed, 1839), p. 10.

she followed the example of her grandfather, Henry VII., for a matter of allum. So as, however, the Christian Kings for some respects in policy can endure the Pope to command, where no harm nor disadvantage groweth to themselves, yet sure it is, and the Popes are not ignorant, but when they shall in any sort attempt to take from Christian Princes any part of their Dominions, or shall give aid to their enemies, or to any other their rebels, in those cases, their Bulls, their curses, their excommunications, their sentences, and most solemn anathemas, no nor their cross-keys, or double-edged sword, will serve their turns to compass their intentions." [1]

[1] Burleigh's *Execution for Treason*, pp. 20, 21, edition 1688.

CHAPTER XI

ELIZABETH

Pope Paul IV. censures Elizabeth for assuming the Crown without his Consent—Pope Pius IV. offers to Establish and Confirm her in her Princely Dignity—Mary's persecuting Laws repealed—The Oath of Supremacy and Allegiance—Penalty for Maintaining any Foreign Power—The Book of Common Prayer legalised—Papists attending Protestant Services—Testimony of Father Parsons, S.J.—Testimony of the *Month*—Extreme Penalties not Inflicted—Father Berington on the Conduct of the Romanists—Father Watson on the Disloyalty of Papists—Father Camm on the "comparative mildness" of Elizabeth's early Years as Queen—The Testimony of the Secular Priests on this Point—Traitorous Efforts of Secular Romanists in 1560—They Petition the Pope to depose Elizabeth—The Queen's Council's Reasons for refusing a Papal Nuncio—Woolfe, a Jesuit, sent as Papal Legate to Ireland—The Northern Rebellion—The Pope's Letter of Encouragement to the Rebels—Pope Pius V. deposes Elizabeth—His Bull—John Felton posts the Bull on the Bishop of London's Palace—Felton executed as a Traitor—Pope Leo XIII. declares him a Beatified Saint and Martyr.

On the accession of Queen Elizabeth to the Throne, in 1558, the spiritual power of the Pope was speedily brought to an end. For her this was necessary, if she were to remain Queen. In the opinion of the Pope she was the illegitimate daughter of Anne Boleyn, and as such incapable to sit on the Throne vacated by the death of her sister Mary. It is true the Pope would have given her a dispensation had she humbly applied for it, but that was a humiliation which she very properly refused to submit to, since by the very act of accepting it she would have acknowledged her own illegitimacy. With a politeness which deserved a more courteous answer, she requested Sir Edward Carne, then residing at Rome (where he had acted as Queen Mary's Ambassador), to acquaint the Pope, Paul IV.,

of her accession. But Father Paul Sarpi, of Venice, informs us that :—

"The Pope, proceeding according to his usual rigour, answered that that Kingdom [England] was held in *Fee* of the Apostolic See ; that she [Elizabeth] could not succeed, being illegitimate ; that he could not contradict the declarations of Clement VII. and Paul III. ; that *it was a great boldness to assume the name* [of Queen] *and government without him ;* that for this she deserved not to be heard in anything. Yet being desirous to show a fatherly affection, if she will renounce her pretensions, and refer herself wholly to his free disposition, he will do whatsoever may be done with the honour of the Apostolic See. . . . But the new Queen understanding the Pope's answer, and wondering at the man's hasty disposition, thought it not profitable, either for her, or the Kingdom, to treat any more with him." [1]

Pope Pius IV., the successor of Paul IV., made, on May 6, 1560, a similar insulting offer, in a letter he addressed to Elizabeth, in which he exhorted her thus : "Show yourself obedient to our fatherly persuasions and wholesome counsels, and promise to yourself from us all things that may make not only to the salvation of your soul, but also whatsoever you shall desire from us, for *the establishing and confirming of your Princely dignity*, according to the authority, place, and office, committed unto us by God." [2] It was not likely that Elizabeth would consent to acknowledge the Pope's right to confirm and strengthen her in her Royal dignity. The "princely dignity" of an English Sovereign does not depend on the "authority" of a Pope. But the attitude of these two Popes towards her made it plain that Papal power in England (always an inseparable mixture of the spiritual and temporal) could not, under the circumstances, be abolished except by the use of political weapons ; and for the simple

[1] Father Paul's *History of the Council of Trent*, p. 385, edition 1676.

[2] Dodd's *Church History*, vol. ii., Appendix, p. cccxxi., Tierney's edition.

reason that without them the Reformers could not obtain liberty to preach the Gospel. It was the political influence of the Church of Rome that really stood in their way, not the controversial arguments of her priests.

No time was lost in repealing the laws passed in the Reign of Mary which revived the persecuting laws I have already cited, and also those reviving the power of the Pope. This was done in Elizabeth's first Parliament by 1 Elizabeth, cap. 1. By this Act also several of the laws passed by Henry VIII. abolishing the Papal Supremacy were revived. These revived laws were the Acts of 23 Henry VIII., cap. 9; 24 Henry VIII., cap. 12; 25 Henry VIII., caps. 19, 20; 26 Henry VIII., cap. 14; 28 Henry VIII., cap. 16. And by this first Act of Elizabeth, Sections 17 and 18, ecclesiastical jurisdiction was restored to the Crown. By the 19th Section it was ordered that all Ecclesiastical persons, and their officers, Judges, Mayors, and "other lay or temporal officer and minister, and every other person having your Highness' fee or wages," shall take the Oath of Supremacy, in the following terms :—

"I, A. B., do utterly testify and declare in my conscience, that the Queen's Highness is the only Supreme Governor of this Realm, and of all other her Highness' Dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal. And that no foreign Prince, person, Prelate, State, or Potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this Realm. And, therefore, I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and authorities; and do promise that from henceforth I shall bear faith and true allegiance to the Queen's Highness, her heirs and lawful successors, and to my power shall assist and defend all jurisdictions, pre-eminences, privileges, and authorities granted or belonging to the Queen's Highness, her heirs and successors, or united and annexed to the Imperial Crown of this Realm."

It was also provided that any Archbishop, Bishop, or other ecclesiastical officer, or temporal judge, "or other lay officer or minister," who refused to take this oath should

forfeit his office during life; and that every person who thereafter should be "preferred, promoted, or collated to any Archbishopric, Bishopric, or to any other spiritual or ecclesiastical benefice," shall take the oath before occupying his new office in the Church. Every person "promoted or preferred to any degree of learning in any University" must also take the oath. By the 27th Section it was enacted that if any person within the Realm should "by writing, printing, teaching, preaching, express words, deed or act," maintain any foreign spiritual or ecclesiastical power or jurisdiction, he shall forfeit his goods and chattels, real and personal, to the Queen, and—if they be worth no more than £20—in addition be imprisoned for one year. For a second offence, he shall incur the penalties provided by the Statute of Provisions and Præmunire, 16 Richard II., cap. 5; and for a third offence the penalties provided for High Treason.

By 1 Elizabeth, cap. 2, the Second Book of Common Prayer, issued by Edward VI., was, subject to certain alterations, adopted for use in all places of worship. It enacted that if any Minister refused to use it in public worship, or use any rite, ceremony, or form except what was contained in the book, or should preach or speak against anything in it, he shall, for the first offence, lose the profit of his benefice for one year, and suffer imprisonment for six months. For a second offence, the penalty was deprivation of his benefice, and imprisonment for one year; and, for a third offence, deprivation of his benefice, and imprisonment for life. The laity who, by "plays, songs, rhymes, or by other open words," should speak against the Book of Common Prayer, or anything in it, or encourage any Minister to use in Divine Service any other book, should, for the first offence, be fined one hundred marks; for the second offence, four hundred marks; and, for a third offence, should forfeit all his goods and chattels, and be imprisoned for life. It was further provided that every person residing in the Realm, should resort to

his parish church every Sunday, "and other days ordained and used to be kept Holy Days," and there be present during Divine Service. Every person offending against this section "shall forfeit for every such offence twelve pence," the money to be applied to the use of the poor. In addition to this the offenders were to be held liable to "the censures of the Church."

A modern Jesuit writer, the Rev. J. H. Pollen, S.J., commenting on the Acts of Parliament just cited, candidly admits that: "If we look closely at this legislation, we shall discover that a great deal more than might have been expected was made to turn upon attendance at Protestant service. If a Catholic could avoid prosecution on that score, if he kept studiously quiet and forewent every post under the Government, or in the Universities, or in the Church, or other professions, *he might, it seems, never have the Oath proposed to him at all.*" [1] It is, therefore, very clear that the Oath of Allegiance and Supremacy only directly affected a small percentage of the whole population. And as to the penalty for non-attendance at Church, the greater number of the Roman Catholic laity for many years escaped these fines by going regularly to their parish church services. The testimony of the Jesuit Father, Robert Parsons, is clear on this point. He wrote: "In the beginning also of this Queen's [Elizabeth's] days, the little affection which the laity did bear unto the clergy, procured by some unquiet spirits, as also the small union of divers clergymen amongst themselves, some holding with the heretics and politics by heat of faction, was a great occasion of the total overthrow of religion, whereupon also the same devil brought in the division of opinions about going to the heretical Churches and service, *which most part of Catholics did follow for many years.*" [2] The Jesuit writer in the *Month*, whom I have just cited, tells us, with reference to the penalties incurred by both clergy and laity by these Acts, that: "A very consider-

[1] The *Month*, November 1904, p. 505.

[2] *A Briefe Apologie*, by Robert Parsons, S.J., 1602, ff. 1, 2.

able number of the inferior clergy (two or three thousand seems a moderate estimate) went bodily over to the enemy on the first application of force, and the majority of their flocks reluctantly followed the bad example of their pastors. There were honourable and indeed numerous exceptions both among clergy and laity. But when we compare them with the whole nation, their numbers are most disappointingly few." He adds, as to the penalties inflicted by the new legislation, that: "The extreme penalties of the new laws were not inflicted, though their lighter punishments were systematically enforced." [1] Many of the priests went abroad, and of these, a well-known Roman Catholic author says that: "Had these men remained at home, patient of present evils, and submissive, as far as might be, to the laws; had they continued the practice of their religion in retirement, and distributed, without clamour, instruction to those that claimed it, the rigour of the Legislature would soon have relaxed; no jealousy would have been excited, and no penal statutes, we may now pronounce, would have entailed misfortunes upon them and their successors. The entire series of these evils they could not, I will admit, then foresee; but no uncommon share of penetration might certainly have taught them that the measures they were pursuing must accelerate the ruin, not support the religion of their friends, or the interest of their cause." [2] The author here certainly points out a serious blot on the policy of the Church of Rome in England during the Reign of Elizabeth. No serious attempt at conciliation with the State was made by her priests during that period; but, on the contrary, as years went on everything was done to provoke the State to severe measures. It is true that towards the close of her Reign some of the Secular Priests made an effort towards conciliation, by professions of loyalty to the Throne; but for thus doing their duty as subjects, they were bitterly persecuted by those who were their

[1] The *Month*, November 1904, p. 505.

[2] *Memoirs of Panzani*, by the Rev. Joseph Berington, p. 20.

spiritual rulers. These Secular Priests put forth a statement, in 1601, to the same effect. It is said to have been written by Father Watson on their behalf. They give it as their opinion that :—

"If the Popes from time to time had sought her Majesty [Elizabeth] by kind offices and gentle persuasions, never ceasing the prosecution of those and such like courses of humanity and gentleness; if the Catholics and Priests beyond the seas had laboured continually the furtherance of those most Priest-like and Divine allurements, and had framed their own proceedings in all their works and writings accordingly; if we at home, all of us, both Priests and people, had possessed our souls in meekness and humility, honoured her Majesty, borne with the infirmities of the State, suffered all things, and dealt as true Catholic Priests; if all of us (we say) had thus done, most assuredly the State would have loved us, or at least borne with us. Where there is one Catholic, there would have been ten; there would have been no speeches amongst us of racks and tortures, nor any cause to have used them; for none were ever vexed that way simply for that he was either Priest or Catholic, but because they were suspected to have had their hands in some of the said most traitorous designments; none of her Majesty's enemies durst so readily have attempted her State and Kingdom; we had been in better friendship with those that seek now most to oppose themselves against us." [1]

The Act of 5 Elizabeth, cap. 1 (1562), commences by stating that those who favour the usurped power and jurisdiction of the See of Rome have "at this time grown to marvellous outrage and licentious boldness, and now requiring more sharp restraint and correction of laws than hitherto in the time of the Queen's Majesty most mild and merciful reign have been had, used, or established"; and therefore it is enacted that all who shall "maintain

[1] *Important Considerations*, published by Sundry of us the Secular Priests, second edition, 1688, p. 20.

or defend the authority, jurisdiction, or power of the Bishop of Rome, or his See," shall, for the first offence, incur the penalty provided by the Statute of Præmunire; and, for the second offence, the penalty awarded to High Treason; the last-named punishment to be incurred by those who, for the second time, refuse to take the Oath of Allegiance and Supremacy.

A modern Roman Catholic writer acknowledges "the comparative mildness with which" what he terms "the persecuting laws, were administered at the beginning of Elizabeth's reign." "*This lasted about ten years*," he writes, "until the flight of Mary, Queen of Scots into England, on the 16th of May, 1568."[1] But with the Northern Rebellion of 1569, and the Deposing Bull of Pope Pius V. in 1570, a great political opposition to Elizabeth, aiming at her Throne, came into powerful operation, which needed to be dealt with sternly.

That notorious book, *Leicester's Commonwealth*, was certainly written towards the close of Elizabeth's reign. It was asserted, in 1603, by a Roman Catholic writer, that it was written by Father Robert Parsons, the Jesuit.[2] This has been denied, and I do not feel competent to decide this question. Yet it was certainly written by a Roman Catholic, as its contents prove. It is written in the form of a dialogue, in which one of the characters, without rebuke from the others, says: "I do well remember the first dozen years of her Highness' [Elizabeth's] Reign, how happy, pleasant, and quiet they were, with all manner of comfort and consolation. There was no mention then of factions in religion, neither was any man much noted or rejected for that cause: so otherwise his conversation was civil and courteous."[3] This seems somewhat exaggerated, yet it is to a considerable extent corroborated by the Secular Priests, in whose name the *Important Con-*

[1] *Lives of the English Martyrs*, edited by Dom Bede Camm, O.S.B., vol. ii. p. xiv.

[2] *A Replie Unto a Certaine Libell Latelie Set Foorth by Fa. Parsons*, p. 71.

[3] *Leicester's Commonwealth*, p. 162.

siderations was written. We there read that: "It cannot be denied but that for the first ten years of her Majesty's Reign, the state of Catholics in England was tolerable, and after a sort in some good quietness."[1] And even the Rev. J. H. Pollen, S.J., writing in 1904, admits that: "The persecution, as we shall see, was not uniformly severe throughout her [Elizabeth's] Reign. It would not be just to take the stories of our Martyrs as examples of the treatment which Catholics invariably met with at the hands of Elizabeth's Government; for they are admittedly extreme and rarer cases. During many years there were no martyrdoms at all"; and he adds that, "Upon the whole the history of the persecution shows that neither she nor her Government were seriously influenced by the desire of retaliation."[2] As a matter of undisputed fact, Roman Catholics admit that their first "Martyr" in Elizabeth's Reign was not executed until 1570—eleven years after her accession to the Throne.

Instead of trying to conciliate the Queen and obtain her favour, with a consequent mitigation of their condition, it is very clear, from the correspondence published in the first volume of the *Calendar of Spanish State Papers* (and from other sources) that the Romanists traitorously sought assistance from foreign powers, for the purpose of having her excommunicated and deposed. It was, probably, a knowledge of this fact that induced Parliament to pass the Act last cited. The Romanists tried to get help from France and Spain, in the hope that those countries would bring pressure to bear on the Pope, for the purpose of inducing him to excommunicate and depose their Queen. The Spanish Ambassador in London, writing to the King of Spain, as early as February 3, 1560, says: "The Catholics here cannot believe that your Majesty will renew the League with this country, unless the religion is restored, and I think Viscount Montague will try on his part to effect

[1] *Important Considerations*, second edition, 1688, p. 34.
[2] The *Month*, November, 1904, pp. 502, 503.

this. Dr. Cole [Dean of St. Paul's in Mary's Reign] sent two days since to tell me that if your Majesty abandoned them they would appeal to the French, or even to the Turks, rather than put up with these heretics." [1] The Venetian Ambassador in France, writing to the Doge and Senate, on June 30, 1560, states that Sir Nicholas Throckmorton, the English Ambassador in Paris, "told my Secretary, what your Serenity will have already heard, that the Queen, having discovered a great conspiracy formed against her by the Catholics, she had imprisoned upwards of twenty of the ringleaders." [2] The Spanish Ambassador in London, on July 25, 1560, wrote to the King of Spain: "I am compelled by my conscience, and in order not to fail in my duty to your Majesty, to say that the Catholics here [England] complain that your Majesty should sustain this Queen [Elizabeth] in her dominions, and so cause heresy to strike its roots in the Realm." [3] But at that time Philip II. was not at all inclined to help the English Romanists in the direction they specially desired. He had not given up hopes of marrying Queen Elizabeth, on condition that she became a Roman Catholic, and to get her excommunicated and deprived would, at that period, have seriously interfered with his plans. Indeed he, on the contrary, used his influence with the Pope to prevent him taking action against her.[4]

Writing of events in this same year, the Rev. J. H. Pollen, S.J., supplies the following important information about the disloyalty of the English Romanists who by this time had gone to reside on the Continent: "I have also found in the Vatican several contemporary petitions from Englishmen in Rome, exiles for religion's sake, assuring the Pope that the time for excommunication had now arrived, and begging him to pass sentence on the

[1] *Calendar of Spanish State Papers*, 1558–1567, p. 124.
[2] *Calendar of Venetian State Papers*, 1558–1580, p. 233.
[3] *Calendar of Spanish State Papers*, 1558–1567, p. 170.
[4] The *Month*, October 1900, p. 400.

Queen [Elizabeth] and her Councillors." [1] The men who signed these disloyal petitions knew very well that the "sentence" the Pope must pass on her, when he declared her excommunicated, was that of being deposed from her Throne, and her subjects absolved from their oaths of allegiance. But it was not these exiles only who thus petitioned the Pope. A modern Roman Catholic writer, the Rev. G. E. Phillips, Professor at St. Cuthbert's College, Ushaw, states that in this same year, 1561, the Roman Catholic Bishops then in prison in England, also sent a Memorial to the Pope, "by which they implored the Holy Father, without considering the consequences to themselves, to proceed, if necessary, even to the excommunication of the Queen." [2] He adds that in June, 1563, in the Council of Trent "the question of excommunicating Elizabeth by a decree of the General Council had been raised, the desire of the imprisoned English Bishops for some decisive action having been communicated to the Fathers." [3] I have no doubt that the Memorial of these Bishops is identical with that printed by Mr. Pollen, in his *Papal Negotiations with Queen Mary*. He says that "as to the authorship of the following anonymous paper, it may have been sent by some English exile in Flanders," or may "have been written by Nicholas Sanders." [4] But it is not at all likely that a document from any private individual would have been so solemnly considered by the Council as this was; nor would the Emperor have taken the trouble to order his Ambassadors to secure its suppression. The Pope was willing to excommunicate the Queen, but the Emperor's action frightened him, and therefore he allowed the matter to drop. But this does not free the Bishops who signed the Memorial from the

[1] The *Month*, October, 1900, p. 394.

[2] *The Extinction of the Ancient Hierarchy*, by the Rev. G. E. Phillips, p. 222.

[3] *Ibid.*, p. 228.

[4] *Papal Negotiations with Queen Mary*, edited by the Rev. J. H. Pollen, S.J., p. 174 (Scottish History Society).

guilt of treason. The following is the text of this remarkable document :—

"If by chance the Pope and the Princes of Christendom think it expedient that the Queen [Elizabeth] should be excommunicated by the Council, *and also deprived*, that measure, undertaken in the cause of religion only, will be very popular with the [English] people. Especially if the Council by its public authority (which is respected in that Kingdom far more than any one dares show openly) should, with the consent of the Pope and Christian Kings, confer the title to the Kingdom on some Prince who shall marry the Queen of Scots, the true heir to that Realm. If she were a man she would, perhaps, need no other aid than that of her party in that Kingdom.

"It is believed that if this were made public judiciously, it would so draw to her the hearts of the people, that *with the aid of a small foreign Army* she would gain possession of the Realm, even though the heretics may perhaps resist as well as they can. The number both of Nobles and Commoners is infinite, who resent the miserable slavery of their souls under the tyranny of Nicholas Bacon and William Cecil, more than the Israelites ever hated the yoke of Pharaoh, and they have long awaited a Moses to free them from this captivity.

"Special attention must be paid to this, that it is not every Prince who will be able to effect this with the same ease. That one is to be preferred who is thought best able to win and retain peacefully the supreme power with the least effusion of blood. Beyond a doubt, too, that Prince will be more popular and eligible who does not possess a dominion larger than the Realm of England, for the English are a people who will never quietly submit to the yoke of a Regent or Viceroy. Hence we take it for certain that the son of the King of Spain, albeit more powerful than the other competitors, will nevertheless experience more difficulties than they in making his way to that Throne, and this both because of external and internal obstacles. He would also find more difficulties in retaining the Kingdom when won, and would have to shed more blood in ruling it than the son of the Emperor would have to do." [1]

The official organ of the English Jesuits says that : "In June, 1563, there was much debate among the Fathers [at the Council of Trent] as to whether it would not be advisable for the Council to pronounce a solemn sentence

[1] *Papal Negotiations with Queen Mary*, p. 176.

of excommunication against Queen Elizabeth of England. For two days the matter was greatly discussed, and at length it was resolved to refer the decision of it to the Sovereign Pontiff. Bishop Goldwell [the deprived Bishop of St. Asaph] did his best to induce the Council to excommunicate the Queen, and he also wrote to the Cardinal of Trani, begging him to use all his influence with the Pope for the same object. Pius IV. was personally in favour of what had been proposed: in deference, however, to the express wishes of the Emperor Maximilian II., he judged it more prudent to let the matter drop." [1]

Very early in Elizabeth's Reign the Pope showed himself most anxious to send a Nuncio to England, hoping thus to persuade her and her Government to submit once more to Papal Supremacy. It was fortunate for the peace of the country that these Papal overtures were rejected. The Pope made many professions of friendship, but they were all conditional on submission to his authority. But Elizabeth knew very well that the Papal Court never could feel any real friendship for a Protestant Sovereign, and she therefore wisely decided that the less she had to do with Rome the better for herself and her country. When the Pope, for a second time, proposed to send a Nuncio, her Majesty's Council met at Greenwich, on May 1, 1561, and after a careful discussion decided to advise her not to allow him to enter the country. The document in which they stated their unanimous opinions is lengthy, but very important, and therefore I cite from it the following portions, which I specially commend to those who, in our own day, wish to renew Diplomatic Relations with Rome. They stated that:—

"It is against both the ancient laws, and the late laws of this Realm, that he [the Nuncio] should come into the same, or into any of the Queen's Majesty's Dominions; for by the ancient laws, even when the Popes had most credit in this Realm, no

[1] The *Month*, vol. for 1876, pp. 133, 134.

Legate or Nuncio might come into the same, but both he should have licence before, and should also make a solemn oath, on the other side the seas, that he should bring nothing with him nor attempt anything in this Realm to the derogation of the Kings of this Realm, the Crown and liberties thereof. And of this there be many examples of ancient times remaining on record, as well of the denial and refusal of the Pope's Nuncios to come into this Realm, and also, at the same time, of burning of the Pope's letters, and imprisoning his messengers, as of licensing them to come, upon their oaths given. And herein the latest example was in the reign of Philip and Queen Mary, when she was Queen, and the nobility of the Realm determined that his Nuncio should not come into this Realm; and besides their determination and plain writing therein, it is well known how the Nuncio, with a certain hat meant for Friar Peto, named then to be a Cardinal, was long stayed at Calais, and was prohibited to come over, and never came into this Realm.

"As for the laws lately made, it is manifest that by Parliament it is enacted that no foreign Prelate, or person spiritual or temporal, shall use any power or authority, spiritual or ecclesiastical, within this Realm; and therefore it is not only against the laws of this Realm that any such Nuncio should come hither, but also that any person should, by word or deed, allow of his coming. . . .

"It may be said that the Nuncio will swear that he will do nothing prejudicial to the Crown and State of this Realm. Indeed it may be doubted whether he will swear; for, howsoever he may be induced to swear, for his advantage, he either cannot observe his oath, except he will come into the Realm, and neither speak, nor deliver any letter from the Pope; or else may presume that it is no perjury to break his promise with such as he is taught to repute as heretics. But if he should swear, and afterwards break it, then in what danger shall all they be that should give assent to his coming, is evidently seen. . . .

"What an abuse is this, to bear us in hand, that no hurt is meant by the Pope, when it is evidently (as much as in him lieth) already done. The Pope hath, even at this instant time, in Ireland a Legate, who is publicly joined already with certain traitors, and is occupied in stirring a Rebellion, having already by open acts deprived the Queen's Majesty of her right and title there, as much as in him lieth, although the power which her Majesty hath there, as well of public Ministers, as of multitudes of good subjects, do little esteem such attempts, as things whereof avenge shall be shortly made; and why should we

believe that this man would not do as much as in him might lie, to do the like here in this Realm ? Yea, it cannot be denied but, the last year, when the Abbot de Sancta Salute was sent from the same Pope of the like errand, and came even to Brussels, where this Nuncio now is, about this time also of the year, it was purposed that he should have done his best to have stirred a Rebellion in this Realm, by colour of religion. And why this Abbot hath not the like secret errand, there is no reason to be shewed ; but, contrariwise, more reasons now to prove it likely in this man than was in the other. Specially, such preparatives being used beforehand this present year to prepare the hearts of discontented subjects, as hath now by divers means been used, and as it is notoriously known and discovered otherwise, than any was the last year."[1]

The Papal "Legate" in Ireland, referred to in this document, was David Woolfe, a Jesuit. Every Irish Rebellion in Ireland was encouraged and aided by the Popes. In 1569 the Northern Rebellion in England received his encouragement and benediction, thus affording Elizabeth an additional reason for severe measures, and justifying her throughout her Reign in looking on the Popes as her chief enemies. In the spring of 1569, Pope Pius V. sent Dr. Nicholas Morton, a priest, on a mission to the North of England with a view to stirring up the Romanists in that part of the country to open rebellion. That he succeeded is admitted by Mr. Gillow, who writes : "He landed in Lincolnshire, and the result of his intrigues was the ill-starred Northern Rising of 1569, under the Earls of Northumberland and Westmoreland." [2] Brother Henry Foley, S.J., tells us that : "Father Grene observes that it is asserted that Nicholas Morton was sent to England in that year (1569) by Pope St. Pius V., in order by Apostolical authority to denounce Elizabeth, then in power, as a heretic, to certain Catholic nobles, and on that account *de jure* deprived of all power she had usurped against Catholics." [3]

[1] Dodd's *Church History*, vol. ii., Appendix, pp. cccxxiii.–cccxxv., Tierney's edition.

[2] Gillow's *Bibliographical Dictionary of English Catholics*, vol. v. p. 136.

[3] Foley's *Records of the English Province, S.J.*, vol. vii. p. 1385, *note*.

The object the rebels had in view was the deliverance of Mary, Queen of Scots, from captivity, in the hope, no doubt, that this would lead to her becoming the Roman Catholic Queen of England; but, says Dom Bede Camm: "It was understood on all sides that the desire to restore the Catholic religion was the actuating motive of the Rising." [1] When certain persons urged the leader of the Rebellion, the Earl of Northumberland, to put forward some other pretext than religion for the Rebellion, he replied: "I neither know of nor acknowledge any other, for we are seeking, I imagine, the glory, not of men, but of God." [2] The Rebels were greatly encouraged, no doubt, to go on with their work, by the liberal supply of money sent them by the Pope for that purpose. This fact was made known by the Bishop of Ross, on November 29, 1571, when he was examined in the Tower of London. He said: "The 12,000 Crowns which were sent by the Pope to the relief of the English Rebels, were procured principally by the letters of the Rebels sent unto Rome, and by the means of a Doctor called Morton, or some such like name, who, the summer before the Rebellion, had been in the North parts." [3]

Before actually commencing violent proceedings, the conspirators, on November 8, 1569, wrote to the Pope to tell him of their intentions. Their letter seems to have been delayed in transmission, for it did not reach its destination until the 16th of February, by which time the Rebellion had been suppressed. But the Pope, not having heard of their defeat, wrote, on the 20th of February, 1570, to the Earls of Northumberland and Westmoreland a letter of approval and encouragement.

"For behold now," wrote Pius V., "He, who of old makes new, and of new old, our Lord Jesus Christ, by you, who are most dear to us, no less by nobility of birth than by the prosecution of Catholic piety, has perhaps determined to restore and

[1] *Lives of the English Martyrs*, by Dom Bede Camm, vol. ii. p. 135.
[2] *Ibid.*, p. 134. [3] Murden's *State Papers*, p. 60.

confirm the ancient union of the Roman Church and the Kingdom [of England]; and has therefore inspired you with a mind so worthy of the zeal of your Christian faith, as to urge you to the attempt, to deliver yourselves and that Kingdom from the basest servitude of a woman's lust, and to recover them to the primitive obedience of this holy Roman See. Which pious and religious endeavour of your minds we commend with due praises in the Lord; and bestowing upon it that benediction of ours which you seek, with the benignity which becomes us, we receive your honourable persons fleeing to the power and protection of us and of this Holy See, to whose authority they subject themselves; exhorting you in the Lord, and with the greatest possible earnestness of our mind entreating you to persevere constantly in this your exceedingly good will and laudable purpose; being assured that the Omnipotent God, whose works are perfect, and who has excited you to deserve well of the Catholic faith in that Kingdom, will be present to your assistance. But if in asserting the Catholic faith, and the authority of this Holy See, you should hazard death and spill your blood, far better is it, for the confession of God, to fly by a compendious and glorious death, to eternal life, than, living basely and ignominiously, to serve the will of an impotent woman, with the injury of your souls."[1]

As we have seen, the Rebellion was a failure. Thomas Percy, Earl of Northumberland, one of its two leaders, escaped to Scotland, but was eventually betrayed into Elizabeth's hands, and executed for high treason. There could be no doubt about his guilt. Several Roman Catholic writers have asserted that the Earl died as a martyr to his religion, because he was offered his life if he would conform to the Reformed Church of England; but Father Tierney declares that the story "rests on no probable authority."[2] The Earl died as a traitor, and as such deserved the death penalty. Yet, on May 13, 1895, Pope Leo XIII. issued a Decree enrolling him as one of the "Martyrs" of the Church of Rome, and declaring him to be one of the Beatified Saints in heaven! This modern act in honour of disloyalty to a Protestant Sovereign shows

[1] Mendham's *Life of Saint Pius V.*, pp. 130, 131.
[2] Dodd's *Church History*, vol. iii. p. 13, *note*.

how the Church of Rome still approves of the practice of rebellion, when thought necessary in her interests.

There was another person active in this Northern Rebellion who was similarly honoured by Leo XIII. This was Thomas Plumtree, who acted as Chaplain to the rebels, and publicly celebrated Mass for them in the Chapel of Durham College. In an old ballad of the time he is called "The Preacher of the Rebels."[1] He also is now declared to be a Beatified Saint.

The encouraging letter of Pope Pius V. to the Northern Rebels was soon followed by his famous Bull deposing Elizabeth from her Throne, and absolving her subjects from their Oaths of Allegiance. Bishop Jewell rightly thought that it was instigated by Romanists residing in England. "The coals," he said, "were kindled here; but the bellows which gave the wind lay at Rome; and there sat he which made the fire." And now let us listen to the roaring of this wild Bull, dated April 27, 1570:—

"The number of the ungodly has obtained such power, that now there is no place in the world which they have not endeavoured to corrupt with their most wicked doctrines. Amongst others, Elizabeth, the pretended Queen of England, a slave of wickedness, lending to it her assistance; with whom, as in a sanctuary, the most pernicious of all men have found a refuge. This very woman having seized on the Kingdom, and monstrously usurping the place of the Supreme Head of the Church in all England, and the chief authority and jurisdiction of it, has reduced the said Kingdom to miserable destruction, which was then newly restored to the Catholic faith, and a good condition. . . .

"We, seeing that impieties and wickednesses are multiplied upon one another, and, moreover, that the persecution of the faithful, and affliction for religion, increase every day in weight, through the instigation and means of the said Elizabeth (because we understand her mind to be so stubborn and hardened, that she has not only contemned the godly requests and admonition of Catholic Princes for her healing and conversion, but has not even permitted the Nuncios of this See to cross the seas into

[1] Stanton's *Menology*, p. 3; Camm's *Lives of the English Martyrs*, vol. ii. pp. 152–159.

England) are of necessity constrained to betake ourselves to the weapons of justice against her, not being able to assuage our sorrow that we are induced to inflict punishment upon one to whose ancestors the whole state of Christendom has been so bounden. Supported therefore by His authority whose pleasure it was to place us, although unequal to so great a burthen, in this supreme throne of justice, we do, out of the fulness of our Apostolic power, declare the aforesaid Elizabeth, being a heretic, and a favourer of heretics, and her adherents in the matters aforesaid, to have incurred the sentence of anathema, and to be cut off from the unity of the body of Christ.

"And, moreover, we do declare her to be deprived of her pretended title to the Kingdom aforesaid, and of all dominion, dignity, and privilege whatsoever.

"And also the nobility, subjects, and people of the said Kingdom, and all others who have in any manner sworn to her, to be forever absolved from any such oath and all kind of duty, fidelity, and obedience, as we do by authority of these presents absolve them, and do deprive the same Elizabeth of her pretended title to the Kingdom, and all other things abovesaid. And we do command and interdict all and every the noblemen, subjects, people, and others aforesaid, that they presume not to obey her, or her monitions, mandates, and laws; and those who shall do the contrary we do involve in the same sentence of anathema." [1]

This outrageous Bull was naturally looked upon, both in England and on the Continent, as equivalent to a declaration of war. Had Elizabeth met it by sending a fleet to bombard the Papal States, as a punishment for the Pope's audacious impudence, she would have been perfectly justified in doing so. Of course the Pope knew very well that the Romanists residing in England were not powerful enough to put it into execution, without aid from one or more Roman Catholic nations; but he quite expected that foreign assistance would be forthcoming. The Bull was dated February 25, 1570 (modern style), and on the 25th of the following May, between two and three o'clock in the morning, a zealous and wealthy layman named John Felton, accompanied by a priest named Dr. Webb, posted it on the gate of the Bishop of London's

[1] Mendham's *Life of Saint Pius V.*, pp. 141–147.

Palace, then close to St. Paul's Cathedral. The probability is that they would never have been discovered were it not that Felton gave a copy of the Bull to a legal friend, on whose premises it was found by the officers of justice, who searched the houses of known Romanists in order to find out the guilty parties. This gentleman was arrested, and while under torture confessed that Felton had given him the copy of the Bull. When Felton was arrested he made no attempt to deny his offence, but rather gloried in his traitorous deed. It is said that he also was tortured, with a view to finding out, if possible, the names of other guilty persons. His accomplice, Webb, escaped to the Continent, and for the rest of his life wisely kept away from England. Felton, in due course, was put upon his trial for High Treason alone, and not for his religion. He was justly found guilty, and executed close to the place where he had posted up the Pope's Deposing Bull. Just as he was about to die, he pointed to the Bishop's gate, and exclaimed: "The Sovereign Pontiff's letters against the *pretended* Queen were duly exhibited there, and now I am prepared to die for the Catholic faith." [1] If the Pope's deposing power is an article of the Roman Catholic "faith," Felton did die for that; yet since that time large numbers of Roman Catholic Divines, at home and abroad, have solemnly sworn that it is no part of their faith. Felton deserved to die, and it is very much to the discredit of Leo XIII. that he proclaimed John Felton a Beatified Martyr, thus holding up to the admiration of English Romanists in our generation traitorous acts against a Protestant Sovereign.

[1] Camm's *Lives of the English Martyrs*, vol. ii. p. 10.

CHAPTER XII

ELIZABETH (*continued*)

The Use of Torture—English Romanist Plot to make Mary, Queen of Scots, Queen of England—The Ridolfi Conspiracy—Ridolfi sent to the Pope and King of Spain—Mary's Instructions to Ridolfi—The Duke of Norfolk's Instructions to Ridolfi—The Duke's Duplicity—The Pope's Letter approving of the Conspiracy—The Conspirators propose to murder Elizabeth—The Spanish Council meet to consider the Murder Plot—The Pope's Deposing Bull and Ridolfi Conspiracy cause fresh Penal Laws—John Storey's Traitorous Conduct—He is Executed—Pope Leo XIII. declares Storey a Beatified Saint.

MENTION has just been made of the use of torture. No one can abhor it more than I do, and I cannot for one moment justify its use in Elizabeth's Reign. Yet I would remind Jesuit and Roman Catholic writers that *they* have no right to find fault on this subject, who are the children of a Church responsible for the horrible tortures of the Inquisition for more than two centuries after this period. This subject has been very fully and ably dealt with in the late Mr. David Jardine's treatise *On the Use of Torture in the Criminal Law of England previously to the Commonwealth.* He proves that, although the use of torture was frequent in England before the Commonwealth, yet it was decided by "*all* the Judges of England" that "no such punishment is known or allowed by our laws." He adds :—

"Here, then, is a practice repugnant to reason, justice, and humanity—censured and condemned upon principle by philosophers and statesmen—denounced by the most eminent authorities on municipal law, and finally declared by the twelve judges, not only to be illegal, but to be altogether unknown as a punishment to the law of England. As far as authority goes, therefore, the crimes of murder and robbery are not more distinctly forbidden by

our criminal code than the application of the torture to witnesses or accused persons is condemned by the oracles of the Common Law."

Mr. Jardine asserts that when torture was actually used in England, it was done "at the mere discretion of the King and the Privy Council, and uncontrolled by any law besides the prerogative of the Sovereign."[1] The last recorded instance of the use of torture in Protestant England is dated May 22, 1640; but in Roman Catholic France it was not abolished until 1789, and in Roman Catholic Austria it continued until the middle of the eighteenth century. The late learned Dr. Lea states that torture was used by the Inquisition in Spain until the beginning of the nineteenth century, and was abolished in that country, by the King, in 1813; and that it was not until 1816 that the Pope forbade the use of torture in all tribunals of the Inquisition.[2]

I have no doubt that a large proportion of Romanists residing in England, in 1570, deeply deplored the publication of the Papal Bull against Elizabeth; but on the other hand I believe that nearly all approved of it in theory, though they naturally feared the results on their own peace and comfort. This is shown by a letter of the Spanish Ambassador in London, dated September 2, 1570, addressed to the King of Spain. He wrote:—

"It is well your Majesty should know that since the publication of the Bull of his Holiness, the Catholic gentlemen here, feeling themselves absolved from their Oath of Allegiance, are trying with more earnestness to shake off the yoke of the heretics, and the Bishop of Ross has come to me twice, with letters of credence from his mistress [Mary, Queen of Scots], to say that the sons of the Earl of Derby, and particularly Thomas Stanley, the second son, with the gentry of Lancashire, who are Catholics, have determined to rise and seize the person of the Queen of Scots. They tell me that this would be connived at by one of the sons of the Earl of Shrewsbury who guards her,

[1] Jardine *On the Use of Torture*, pp. 10–13.

[2] *History of the Inquisition in Spain*, by Henry Charles Lea, LL.D., vol. iii. pp. 34, 35.

and they can raise 10,000 foot, and 1000 horse, the only thing wanting being a supply of harquebusses and some money for the horses, not a large sum. They are, however, against the marriage [of Mary] with the Duke of Norfolk, as he belongs to the Augsburg Confession, and they only wish to have to do with a real Catholic. The Bishop of Ross tells me that the Duke, either out of timidity or some other reason, does not wish to leave the prison, where he is only guarded by a single gentleman; but Montague, Southampton, Lumley, and Arundel, and many others, the moment the Lancastrians take up arms, will join them or act independently, as may be advised, against this city. The Earl of Worcester and his country will also rise, and it is decided that the first thing will be to obtain possession of the Queen of Scots, and a fleet might approach Lancashire or the Isle of Man, and take her off whilst the matter was being settled by arms." [1]

We have in this letter our first glimpse of what has become famous in history as the Ridolfi Conspiracy, which had for its object the release of Mary, Queen of Scots from captivity, the placing her on the English, as well as the Scottish, Throne, and the re-establishing of the Roman Catholic religion in both countries by force of arms. It was also intended that, should it become successful, Mary would marry the Duke of Norfolk, who, though at that time publicly professing himself to be a Protestant, in secret pledged himself to become a Roman Catholic and help on the general conspiracy. There was a vast amount of duplicity connected with the plot. Only six weeks after sending the Bishop of Ross to the Spanish Ambassador to tell him that she had consented to the execution of the plot, Mary wrote a most hypocritical and deceptive letter to Elizabeth, dated October 16, 1570, professing the utmost affection for her, and promising dutiful obedience to her wishes in all things, provided she were admitted to the presence of the Queen of England.[2] It seems to me that her real object in writing this letter was to enable her followers in the North of England to arrange her capture

[1] *Calendar of Spanish State Papers*, 1568–1579, p. 274.
[2] Turnbull's *Letters of Mary Stuart*, pp. 176–178.

by them while she was on the way to visit Elizabeth. She would then have been taken by them to the nearest seaport, and from there to France or Spain, until the Conspiracy had ended in a successful civil war. Happily, Elizabeth did not grant her request, and therefore it was necessary to push the plot forward. There was living in London at this time an Italian Banker, named Robert Ridolfi. While ostensibly engaged in financial concerns, his real business was to act as the secret agent of the Pope, stirring up the English Romanists to disloyalty. It was through his hands the Pope sent a large sum of money to help the Northern Rebels in 1569, in their disastrous Rebellion. He now became the secret agent of Mary and the Duke of Norfolk to the Duke of Alva, the Pope, and the King of Spain. He left England with two sets of written instructions, one from Mary, and the other from the Duke of Norfolk—the latter, however, refusing, through fear, to sign his name to his own instructions. Both documents are printed in full, from the Secret Archives of the Vatican, in Turnbull's edition of the *Letters of Mary Stuart.* Mary requested Ridolfi to tell those to whom he was sent that "the hope which the said Catholics at present have of seeing their religion restored, and themselves freed from captivity, is not founded upon other human aid than from those who will advance *my just claim* of Queen of Scotland, which I have *to both these Kingdoms;* because the Earls of Hertford and Huntingdon and others, that else could pretend to this Crown of England . . . are all Protestants."

"My friends are ready to appear when I can procure the assistance of all the Christian Sovereigns, and first of all of his Holiness and the Catholic King, with the assistance and favour of whom they concur, and are resolved to devote their wealth, their lives, and all they possess in this world to the advancement of my right, and the restoration of the Catholic religion. The Duke of Norfolk, the chief of the English nobility, constitutes himself the leader of this enterprise, who, although from other considerations and respects, he has always hitherto shown him-

self the most obedient subject of the Queen of England, yet, in what concerns the exercise of the religion pretended to be by her established, has always maintained the Catholics, opposing himself with all his might to the oppressions to which they have been subjected. . . . The said Duke being at all times loved, favoured, and followed by many of *the noble Protestants, who, by chance, might draw back from him, if at first sight he directly indicated to them his wish to change the religion*, the principal Catholics of this enterprise are to make it appear that he temporises, and thus unite with the said Protestants to serve him in it. . . .

"As for the assistance which I desire from his Holiness and the Catholic King, and in what manner and time it ought to be offered, together with the aid of the Catholic friends in this Kingdom, I remit me to the particular instructions which Ridolfi will bring from the Duke of Norfolk and the other friends; only Ridolfi can in my name say to his Holiness, or his Catholic Majesty, that in case they should approve of putting into execution the enterprise by way of Scotland, on the side of Dumbarton, or on the side towards Edinburgh, my principal strongholds, to further assure the descent of the assistance, I will put into the hands of their ministers the one of the two castles which shall be most fitting for the execution and good success of the whole enterprise. . . .

"All the preceding articles we have committed to your [Ridolfi's] discretion and prudence, together with the other instructions which have been given to you on the part of the Duke of Norfolk, and the other noblemen of this country, our good friends, to the end that you may use them as a fitting opportunity presents itself, *adding thereto as much more* on our part, and that of the nobility of this Kingdom, *as has been really, at greater length, communicated to you*, as well from the Bishop of Ross, by us, as by the same Duke and other noblemen, to yourself."[1]

The instructions given to Ridolfi by the Duke of Norfolk in writing, mention others of an "oral" character, as did also those of Mary. There can, I think, be little reason to doubt that these referred to the death of Elizabeth, which would certainly have followed the success of the general conspiracy, whether by judicial sentence, or by assassination. If the Protestant Lady Jane Grey were

[1] Turnbull's *Letters of Mary Stuart*, pp. 190–198.

sent to the block for claiming to be Queen, what chance would Elizabeth have had of her life, if she had fallen into the hands of her enemies? As to death by assassination, we shall learn more about it directly. The Duke professed, in his instructions, that he spoke "in the name of the *majority* of the Peers of this Kingdom." The list of those favourable to the enterprise contained the names of forty Peers.[1] They were: the Duke of Norfolk, the Marquis of Winchester, the Earls of Arundel, Oxford, Northumberland, Westmoreland, Shrewsbury, Derby, Worcester, Cumberland, Pembroke, and Southampton; Viscount Ferrers, Lords Howard, Abergavenny, Audley, Morley, Cobham, Clinton, Dudley, Ogle, Latimer, Scrope, Monteagle, Sandys, Vaux, Windsor, Saint-John, Burgh, Mordaunt, Paget, Warthon, Rich, Stafford, Dacre, Darcy of Theworth, Hastings, Berkeley, Cromwell, and Lumley. Some Roman Catholic writers have asserted that the Ridolfi Conspiracy had very little support in the country, but this list of names is alone sufficient to refute such an assertion, especially if we bear in mind that each of these noblemen had retainers under them, ready to take up arms at their bidding. In these instructions the Duke of Norfolk clearly revealed his own double-dealing and duplicity.

"And whereas," he said, "his Holiness and the Catholic King may have some doubts of me, for my not being declared, nay, rather from *having feigned myself a Protestant*, you will explain that it was not from evil inclination that I have been adverse to the Holy See, but that I might be able when time and opportunity presented, as at this time there is, to do such important service to this Island and Christendom. . . . And because many of the Protestant faction follow me, and are favourable to promoting the said title of the Queen of Scotland, his Holiness and the Catholic King *need not wonder if I delay* to *declare myself* [*i.e.* as a Roman Catholic] *to any one*. Therefore, kiss the feet of his Holiness in my name, and,

[1] Turnbull's *Letters of Mary Stuart*, pp. 208, 209.

thereafter, on behalf of all the Catholic nobility, and who will expose themselves in this undertaking, and then I bind myself always to observe whatever his Holiness, and the Catholic King, and the Queen of Scotland shall command in this matter." [1]

The Duke's duplicity, herein revealed by himself, is still further explained in a letter written to the King of Spain by his Ambassador in London, in March, 1571, the month in which Ridolfi's instructions were dated. "This Duke of Norfolk," he wrote, "is the leader of a section of *the heretics who might perhaps abandon him were he to be openly reconciled to the Church* [of Rome]. It is in consequence considered expedient that he should temporise, the better to use their assistance, and bring them under the yoke of the Church when occasion shall serve." [2] This looks as though the Duke intended, after making use of these confiding and foolish Protestants, to turn round and compel them to submit to "the yoke of the Church" of Rome! Where the interests of religion are concerned, it is never safe for Protestants to trust to the base assurances of the Papacy. In his instructions to Ridolfi the Duke further said :—

"We have recourse to his Majesty that, with his usual kindness, he may condescend to assist us quickly, as well with money as with such a number of men, arms and ammunition, as he may afterwards be told, and chiefly with a person skilful in conducting an army, to whom shall be so secured the descent upon this Island, with a place for fortifying himself on the sea-coast for the retreat of his people, and for the preservation of his ammunition and artillery, and the assistance of 20,000 Infantry, and 3000 Cavalry. . . . Entreat his Holiness and his Majesty in my name and that of all the rest, that the assistance shall consist of 6000 Musketeers, and 4000 muskets for arming our men like them, and 2000 corslets, and 25 field-

[1] Turnbull's *Letters of Mary Stuart*, pp. 199, 200.
[2] Froude's *History of England*, vol. ix. p. 396.

pieces of artillery, and such quantity of ammunition as for the said artillery and muskets may be requisite; and it will also be necessary to send 3000 horses across the sea." [1]

Ridolfi left London with his instructions on March 25, 1571, and had an interview at Brussels with the Duke of Alva, whose cruel butcheries of Protestants have been so faithfully described by Motley, in his *Rise of the Dutch Republic*. He does not appear to have received very great encouragement from Alva, who wrote to the King of Spain: "No one can think of advising your Majesty to furnish the assistance sought of you, under the form in which it is requested. *But if the Queen of England should die, either a natural or any other death*, or if her person should be seized without your Majesty's concurrence, then I should perceive no further difficulty." [2] Ridolfi proceeded to Rome, where he had an interview with Pius V., who gave him a letter to Philip II. fully approving of the proposed invasion of England.

"Our dear son, Robert Ridolfi," wrote the Pope, "by the help of God, will lay before your Majesty certain things which interest not a little the honour of Almighty God, and the advantage of the Christian Commonwealth. We require and beseech your Majesty to grant him on this account, and without hesitation, your most entire confidence, and we conjure you especially by your fervent piety towards God, to take to heart the matters on which he will treat with your Majesty, and to furnish him with all the means which you may judge most suitable for the execution of his plans. Meanwhile we beseech your Majesty to do this, submitting the affair to the judgment and prudence of your Majesty, and from the bottom of our heart praying our Redeemer, in His mercy, to grant success to that which is projected for His honour and glory." [3]

Early in July Ridolfi arrived in Spain. On July 13, Philip II., writing to his Ambassador in London, tells him: "Robert Ridolfi arrived here, and gave me your

[1] Turnbull's *Letters of Mary Stuart*, pp. 202, 203.
[2] Mignet's *History of Mary, Queen of Scots*, p. 307.
[3] *Ibid.*, p. 309.

letter of the 25th of March, and those of the Queen of Scotland, the Duke of Norfolk, and a Brief from his Holiness, exhorting me to embrace the business with which he is entrusted."[1] Part of that business, we now know, was the murder, or judicial execution, of Elizabeth. Did Ridolfi acquaint the Pope with this part of the "business" in hand? I cannot find any direct evidence on this question; but I think it extremely probable that he did do so, and there is no reason to suppose that, if he knew it, he would have expressed disapproval. "Pius V.," wrote the late learned Lord Acton, himself a Roman Catholic, "held that it was sound Catholic doctrine that any man may stab a heretic condemned by Rome, and that every man is a heretic who attacks the Papal prerogatives."[2] In a letter to the *Times*, of November 9, 1874, Lord Acton declared that Pius V. justified the assassination of Elizabeth. At this point I cannot do better than quote the facts which Mignet found recorded in the Simancas MSS. He writes:—

"On the 7th of July, Ridolfi was questioned at the Escurial, regarding the enterprise which he had come to propose, by the Duke of Feria, whom Philip II. had deputed to hear his statements. His answers were written down in the handwriting of Zayas, Secretary of State. *It was proposed to murder Queen Elizabeth.* Ridolfi said that the blow would not be struck at London, because that city was the stronghold of heresy; but while she was travelling, and that a person named James Graffs had undertaken the office. On the same day the Council of State commenced its *deliberations upon the proposed assassination of Elizabeth,* and conquest of England. The subject of the discussion was, whether it behoved the King of Spain to agree with the conspirators, 'to kill or capture the Queen of England,' in order to prevent her from marrying the Duke of Angou, and putting to death the Queen

[1] *Calendar of Spanish State Papers*, 1568–1579, p. 323.
[2] *Letters of Lord Acton*, p. 135.

of Scotland; whether the blow should be struck while she was travelling, or, which would be easier still, when she was at the country house of one of the conspirators, who had surrounded her with persons on whom they could depend. . . . The Counsellors of State severally gave their opinion, which were committed to writing, and have been preserved to this day." [1]

It does not appear that any formal resolution was passed, though, with one exception (and that solely as a matter of policy, not of principle) the Councillors were in favour of the whole scheme, and Philip II. said he would willingly undertake it. But, in the Providence of God, the Government of Elizabeth discovered the plot, and although they did not know then as much as we do now, they knew enough to put the Duke of Norfolk on his trial. He was executed, and richly deserved his fate as a traitor. And with his death the whole of the Ridolfi Conspiracy came to an end.

It was but natural that the Northern Rebellion, the Deposing Bull of Pius V., and the discovery of the Ridolfi Conspiracy, should lead to stern measures being adopted by Parliament for the purpose of imposing disabilities on the adherents of the Pope. We are therefore not at all surprised that in the Parliament which met in the thirteenth year of Elizabeth, fresh laws were passed of a penal character. If they were severe the disloyal had only themselves to thank for it, as being themselves the primary cause of these new restrictions. By 13 Elizabeth, cap. 2, it was enacted that if any person should use any Papal "Bull, writing, or instrument, written or printed, of absolution or reconciliation"; or if any person by virtue of such Bull should "absolve or reconcile any person" within the Realm; or if any should "willingly take or receive" such absolution or reconciliation; or if any person should obtain or get from the Bishop or See of Rome "any manner of Bull, writing, or instrument, written or printed, con-

[1] Mignet's *History of Mary, Queen of Scots*, pp. 309, 310.

taining any thing, matter, or cause whatsoever," and publish them, then "every such act and acts, offence and offences shall be deemed and adjudged by the authority of this Act to be High Treason"; and the guilty, "being lawfully indicted and attainted according to the course of the laws of this Realm, shall suffer pains of death." It was further enacted that "all and every aiders, comforters, or maintainers of any the said offenders," shall incur the pains and penalties of the Statute of Præmunire. By Sections 5 and 7 it was provided that if any person should receive any such Bulls or documents, and conceal the offer, and not disclose it, within six weeks after receiving it, he shall suffer the "penalty and forfeiture of misprison of High Treason." Any person bringing into the Realm anything "by the name of *Agnus Dei*, or any crosses, pictures, beads, or such like vain and superstitious things, from the Bishop or See of Rome"; or any person who shall receive the same "to the intent to use or wear the same," shall suffer the pains of Præmunire.

If these new laws were severe the Romanists had to thank their leaders and the Pope for them. If Pius V. had not issued his Deposing Bull, given active assistance to the Northern Rebellion, and promised assistance to the Ridolfi Conspiracy, they would not have been passed. I do not believe that either Elizabeth or the Parliament had any pleasure in passing these new enactments, and they would not have done so were they not fully convinced that there was no other way to secure Elizabeth on the Throne, and prevent the capture of the country by foreign arms, to the destruction of the religious liberty of English Protestants. They no doubt realised that, if the Pope could have had his way, the Martyr fires of Smithfield would again have been lit, and burnt with increased fury. As the Roman Catholic biographer of the Jesuit Campion forcibly remarks: "As affairs were managed, they rendered simply impossible the coexistence of the Government of Henry VIII. and Elizabeth with the obedi-

ence of their subjects to the supreme authority of the Pope; and those Princes had no choice but either to abdicate, with the hope of receiving back their Crowns, like King John, from the Papal Legate, or to hold their own in spite of the Popes, and in direct and avowed hostility to them." [1]

The case of John Storey raised a question of International Law. He was an Englishman by birth, and therefore a subject of Queen Elizabeth, by whom he was imprisoned. He escaped from prison in 1563, and fled to Belgium, where he renounced his allegiance to England, and became a naturalised subject of Philip II. of Spain. At his trial he pleaded that he was, as a Spanish subject, no longer under the laws of Elizabeth. If this be now conceded, it must be admitted that his condemnation was illegal. But however this may be in our own peaceful times, it cannot be supposed that Elizabeth would recognise the right of any subject of hers to transfer his allegiance to a foreign Sovereign, and therefore Storey's speeches on his trial and at his execution were considered as ample evidence of his treason, quite apart from religion. Dr. Storey was Principal of Broadgate Hall, Oxford, and was made Vicar-General of Bonner, Bishop of London, in 1553. As such he was one of the fiercest of the persecutors of the Protestants during Mary's Reign. When Elizabeth came to the Throne he was a Member of Parliament. During the debate in the House of Commons, in 1558, on the Bill for restoring the Royal Supremacy, he was reminded of the cruelties he had perpetrated against the Protestants. Instead of being ashamed he gloried in what he had done, and was only sorry he had not done more of the same kind of work.

"I see," he declared, "nothing to be sorry for; but am rather sorry that I have done no more, and that I had not more earnestly given my advice to spare the little twigs and shoots, but to strike more boldly at the roots and great branches. If this had been done we should not have seen

[1] *Edmund Campion*, by Richard Simpson, p. 63, first edition.

so many weeds of wickedness taking root everywhere and flourishing so abundantly." [1]

Storey was charged at the time with referring, in his speech, to Elizabeth, and saying that he was sorry that she had not been burnt with the other Protestant Martyrs. The Jesuit Parsons denies that he had Elizabeth in his mind; but, if not, who could he have referred to? By the "great branches" he could not have included Archbishop Cranmer, who was a great personage in the Realm at the time, but was certainly not spared; or to the other Martyred Bishops: it must therefore have been some person or persons in a higher social position, of whom the Princess Elizabeth was the greatest of the Protestants.

After Storey had resided abroad for some time, where he was appointed an assistant Inspector of English ships arriving at Antwerp, with a view to preventing the importation of Protestant books. One day while executing the work of his office, he was made a prisoner on one of the English ships he visited, which at once set sail with him for England, where he was put upon his trial for treason. While in prison awaiting his trial, he made some remarkable confessions, which he signed with his own hand, in which he admitted that he had endeavoured to secure the aid of Spanish and French arms for the purpose of overthrowing the Protestant religion in England, which, of course, must necessarily have led to the deposing of Elizabeth, and possibly to her execution. This confession was made on December 20, 1570, and was as follows :—

"The said John Storey, this twentieth day of December, being examined, saith. That about two years since he did deal by writing with Courtenile,[2] showing unto him that the Catholics of England did daily decay, and the schismatics did there daily increase; and therefore if the King of Spain had any meaning to write to the Queen of England, or otherwise to help to restore religion in England, he

[1] Camm's *Lives of the English Martyrs*, vol. ii. p. 42.

[2] Courtenile was Secretary to Philip II.

should do it betime, or else it would be too late. And either he did write further, or said by mouth to the said Courtenile, that if the King of Spain did but come into the Low Countries out of Spain, with a number of ships, the Catholics of England would think, as this examinate thought, that he were come to restore religion, and would take the King of Spain's part. And the said Storey confesseth that he wrote to Courtenile that, if about the Realm of England there might go a number of ships, as men went about Jericho, then the Catholics of England would take courage to prepare entry for them that went so about with the said ships. To which end of entry by the King of Spain's power into England, the said Storey did write to Courtenile many times by his letters and persuasions therein, hoping thereby that either the King of Spain would write to the Queen of England to restore the Catholic religion, or else would make some entry into England, and reform religion, according as he was bound by his title of Catholic King, as the said Storey thought." [1]

There can be no doubt that a man who admitted that he acted in this way was a very dangerous enemy of the English State. I cannot find that religion had anything to do with his indictment, which related to treasonable actions only. Amongst other things he was accused of assisting and comforting the Northern Rebels in 1569. He refused to plead, and gave as his reason that he had not been the Queen's subject for the previous seven years, having been naturalised as a Spaniard, and was therefore the subject of Philip of Spain. Of course such a plea was not accepted by the judges, and he was consequently condemned to the usual death of traitors. It is said that while in the Tower he was several times invited to swear to the Oath of Supremacy, but refused. On the scaffold he delivered a lengthy and disloyal speech, in which he said: "I am sworn to the noble King, defender of the ancient Catholic Faith, King Philip of Spain . . . and there-

[1] *Harleian Miscellany*, vol. viii. p. 587, edition 1746.

fore no subject of this Realm, nor yet subject to any laws thereof." [1] He also pleaded that he had not been so cruel to the Protestant Martyrs as had been represented, and enumerated a few cases in which he asserted that he had shown a friendly spirit towards them; but, unfortunately, a speech like this could not blot out the facts of the case, as recorded by Foxe, Strype, and others. In connection with the case of John Storey, and as illustrating the present spirit of English Roman Catholics, it may be mentioned that his latest Roman Catholic biographer, after recording that Storey was declared by Leo XIII. a Beatified Saint, declares that "few more illustrious martyrs have suffered in England for the defence of the Supremacy of the Holy See"; and that "we need more than ever in these days the lessons of such a life as that of Blessed John Storey." [2]

[1] Camm's *Lives of the English Martyrs*, vol. ii. p. 88.
[2] *Ibid.*, pp. 98, 101.

CHAPTER XIII

ELIZABETH (*continued*)

The first Jesuit executed in England—Proof of his Disloyalty—Pope Leo XIII. declares him a Beatified Saint—Thomas Sherwood executed—Proof of his Disloyalty—Were Jesuits and other Priests executed for Treason in Elizabeth's Reign?—Testimony of their Disloyalty by Father Campion's Biographer, Lord Burleigh, Father Watson, a priest in 1603, Father Thomas Bluet, Father Nicholas Sanders, Father Robert Parsons, S.J., Father Joseph Berington, Sir John Throckmorton, and Cardinal Allen—The Six Questions on Loyalty, and Answers of the Priests—Text of Oath of Loyalty refused by Campion and others—Another Penal Law passed—Pope Gregory XIII. urges Philip II. to Invade England—Stukeley's Expedition to Invade Ireland—Father Nicholas Sanders sent as Papal Nuncio to the Irish Rebels—The Pope's Indulgence and Pardon of Sins for Irish Rebels—Sanders' violent Letter to the Irish Rebels—The Jesuit Invasion of England—Parsons, the Jesuit, the Centre of all Plots against Elizabeth—Campion's Biographer says that Parsons sowed the Seeds of the Gunpowder Plot—Parsons formed an Association from which came the Men who tried to assassinate Elizabeth—What Priests have said of his Treasonable Conduct.

The first Jesuit put to death in Elizabeth's Reign was Thomas Woodhouse. He was also the first priest executed, and is said to have been admitted into the Society of Jesus shortly before his death. There can be no question that he was a thoroughly disloyal man. He even paraded his disloyalty in a most defiant manner. He had been in prison for some time, where he was allowed a good deal of liberty. It is the English Jesuit, Foley, who tells us that "his keeper allowed him to make secret excursions to his friends by day, and gave him the freedom of the prison. He made the best use of this privilege, saying Mass daily in his cell."[1] Woodhouse would probably have never been brought to trial for High Treason, and thereby lost his life, had it not been that he wrote a most

[1] Foley's *Records of the English Province, S.J.*, vol. vii. p. 1257.

impudent and traitorous letter to Lord Burleigh, in which he not only urged his Lordship to submit to the Pope, but also added these words: "Likewise that ye earnestly persuade the Lady Elizabeth, who for her own great disobedience *is most justly deposed*, to submit herself unto her spiritual Prince and father, the Pope's Holiness." [1] Father Henry Garnet, of Gunpowder Plot notoriety, wrote a lengthy account of the trial and death of Woodhouse. He relates that:—

"The third or fourth day after" writing the above letter, "Mr. Woodhouse was carried to the Treasurer [Lord Burleigh] in a priest's gown and cornered cap. The Treasurer called him unto audience, where he sat in a chamber alone, and seeing him, such a silly little body as he was, seemed to despise him, saying, 'Sirra, was it you that wrote me a letter the other day?' 'Yes, sir' (saith Mr. Woodhouse, approaching as near his nose as he could, and casting up his head to look him in the face), 'that it it was even I, if your name be Mr. Cecil.' Whereat the Treasurer, staying awhile, said more coldly than before, 'Why, sir, will ye acknowledge me none other name nor title than Mr. Cecil?' 'No, sir,' saith Mr. Woodhouse. 'And why so?' saith the Treasurer. 'Because,' saith Mr. Woodhouse, 'she that gave you those names and titles had no authority so to do.' 'And why so?' saith the Treasurer. '*Because*,' saith Woodhouse, '*our Holy Father, the Pope, hath deposed her.*' 'Thou art a traitor,' saith the Treasurer." [2]

And there can be no doubt that Burleigh was right. Subsequently Woodhouse was brought before the Council, who examined him, in the hope that they would, as Garnet writes, "prove him out of his wits than guilty of treason, thinking it better to whip him in Bridewell, to his utter discredit, than to hang him for a traitor." [3] But they soon found that he was as sane as any of them. "When

[1] Camm's *Lives of the English Martyrs*, vol. ii. p. 192.
[2] Foley's *Records of the English Province, S.J.*, vol. vii. p. 1263.
[3] *Ibid.*, p. 1264.

they could not prove him mad," says Garnet, "they dismissed him for that time, and another day made him be called before the Recorder of London and other Commissioners, *when he denied the Queen to be Queen.*" At length Woodhouse was brought to his trial. Garnet expressly states that: "The indictment, which was of High Treason, *for denying her Majesty to be Queen of England;* to which he said, they were not his judges, nor for his judges would he ever take them, being heretics, and pretending authority from her that could not give it to them." [1] We need not be surprised that a traitor like Woodhouse was sentenced to death. He was executed on June 13, 1573. The fact that he was raised to the ranks of the "Blessed" by Leo XIII. does not inspire us with confidence in Papal friendliness to a Protestant Government at the present time.

On February 7, 1578, Thomas Sherwood, a young layman, who had been a student at Douay, was executed for High Treason. He was indicted for denying the Queen's, and asserting the Pope's, Supremacy. The indictment further charged him with having uttered the following words: "The Pope hath power and authority to depose any Christian Prince or King if he mislike with him, and further, that Queen Elizabeth (meaning the said Elizabeth now our Queen) doth expressly dissent in faith from the Catholic faith; and also saith that if the Pope had pronounced our Queen (meaning the said Elizabeth now our Queen) to be deposed for any matter of religion, then she is deposed, and that then she is an usurper." [2] Sherwood was, therefore, clearly disloyal. He was raised to the rank of a Beatified Saint by Leo XIII.

This may be a suitable place to discuss the general question of the execution of Jesuits and other priests during Elizabeth's Reign. No one who now impartially studies the history of that period can doubt that the Jesuits

[1] Foley's *Records of the English Province, S.J.*, vol. vii. p. 1265.
[2] *Acts of English Martyrs*, by J. H. Pollen, S.J., p. 17.

were dangerous enemies of the State, nor that they were continually plotting at home and abroad for the dethronement of Elizabeth, with a view to the re-establishment of Popery in the country. There were a few of the Secular Priests who were loyal, but what were they amongst so many of an opposite opinion? Elizabeth's Government knew very well what was going on underneath the surface. She had her spies in every Court in Europe, and in all the Seminaries for the education of the priests destined to labour in England. As Mr. Simpson, the biographer of Father Campion, the Jesuit, forcibly remarks: "The aim of the Pope, the Jesuits, and the Spaniards was not to have them [English Roman Catholics] believe a salutary doctrine, and to make them partakers of life-giving Sacraments, but to make them traitors to their Queen and country, and to induce them to take up arms in favour of a foreign pretender. . . . But when both sides, both Philip and Cecil, were equally convinced that every fresh convert [to Romanism], however peaceful now, was a future soldier of the King of Spain against Elizabeth, *toleration was scarcely possible.*" [1]

It is very well known that both Elizabeth and Lord Burleigh frequently asserted that no priest had been put to death merely for his religion in their time. Writing in 1583, with reference to those priests who had been executed down to that date, Lord Burleigh said: "These, I say, have justly suffered death, not by force or form of any new laws established, either for religion, or against the Pope's Supremacy, as the slanderous libellers would have it seem to be, but by the ancient temporal laws of the Realm, and, namely, by the laws of Parliament made in King Edward III.'s time, about the year of our Lord, 1330, which is above 200 years and more past, when the Bishops of Rome, and Popes, were suffered to have their authority ecclesiastical in this Realm." [2] And these

[1] Simpson's *Edmund Campion*, p. 199, edition 1867.
[2] Burleigh's *Execution for Treason*, p. 5, edition 1688.

further statements of Burleigh, written at the same time, are worthy of the consideration of all who are desirous of knowing the truth on this important subject: "And though there are many subjects known in the Realm, that differ in some opinions of religion from the Church of England, and that do also not forbear to profess the same, yet in that they do also profess loyalty and obedience to her Majesty, and offer readily in her Majesty's defence to impugn and resist any foreign force, though it should come or be procured from the Pope himself, none of these sort are for their contrary opinions in religion, prosecuted or charged with any crimes or pains of treason." [1] "It is not, nor hath been, for contrarious opinions in religion, or for the Pope's authority, as the adversaries do boldly and falsely publish, that any persons have suffered death since her Majesty's Reign." [2] Burleigh also directed attention to the fact that while, during the twenty-five years of Elizabeth's Reign, that is, down to 1583, about threescore priests had been executed, yet "in the time of Queen Mary, which little exceeded the space of five years, the Queen's Majesty's Reign being five times as many, there were by imprisonment, torments, famine, and fire, of men, women, maidens, and children, almost the number of four hundred," who had been put to death. The Romanists executed, added Burleigh, "differ much from the Martyrs of Queen Mary's time; for though they continued in the profession of their religion wherein they were christened, yet they [Protestants] never at their death denied their lawful Queen, nor maintained any of her open and foreign enemies, nor procured any rebellion or Civil War, nor did sow any sedition in secret corners, nor withdrew any subjects from their obedience, as these sworn servants of the Pope have continually done." [3]

It is quite a mistake to suppose that only Protestant writers have agreed with Lord Burleigh on this important

[1] Burleigh's *Execution for Treason*, p. 6, edition 1688.
[2] *Ibid.*, p. 8. [3] *Ibid.*, pp. 14, 15.

subject. Roman Catholic writers have been equally emphatic. Towards the close of Elizabeth's Reign several Roman Catholic Secular Priests made similar assertions. One of these, in 1603, just before the death of Elizabeth, published a volume, mainly devoted to an exposure of the traitorous conduct of the English Jesuits, in which he even justified the passing of severe laws against them.

"And I would," he writes, "but ask Father Parsons this one question. Whether in his conscience he do think there be any Prince in the world, be he never so Catholic, that should have within his dominions a kind of people, amongst whom divers times he should discover matters of treason, and practices against his person, and State; whether he would permit those kind of people to live within his dominions, if he could be otherwise rid of them? And whether he would not make strait laws, and execute them severely against such offenders, yea, and all of that company, and quality, rather than he would remain in any danger of such secret practices and plots? . . . If these things proceeded from Catholic Princes, jusIty against whole Communities, or Orders of Religion upon just causes, we cannot much blame our Prince and State, being of a different religion, to make sharp laws against us, and execute the same, finding no less occasion thereof in some of our profession, than the foresaid Princes did in other Religious persons, whom they punished, as you see."[1]

Father Watson, in his *Important Considerations*, published in 1601, wonders that, under the circumstances, the State had not been even more severe than it had been. He writes: "For when we consider on the one side, what we know ourselves, concerning the laws made of later years, with the occasions of them, and likewise as touching the proceedings of the State here [in England], since the beginning of her Majesty's Reign, as well against us that are priests, as also against other Catholics of the laity; and do find on the other side what practices, under the pretence of religion, have been set on foot, for the utter subversion

[1] *A Replie Unto a Certaine Libell Latelie Set Foorth by Fa. Parsons*, ff. 31, 32, 1603.

both of the Queen and of her Kingdom; and therewith further call to mind what sundry Jesuits and men (wholly for the time or altogether) addicted to Jesuitism, have written and published to the world in sundry treatises, not only against the said laws and course of justice, but in like sort against her chief Councillors (and which exceedeth all the rest) against the Royal person of her Majesty, her honour, Crown, and most princely Sceptre; it may, in our opinions, be rather wondered that so many Catholics of both sorts are left alive to speak of the Catholic faith, than that the State hath proceeded with us as it hath done." [1]

Father Thomas Bluet was a secular priest who, in 1602, presented to Cardinals Borghese and Aragon a lengthy statement relating to the conduct of Elizabeth towards the Roman Catholic priests living in England. Gillow states that "the whole body" of the priests at that time "held him in great respect for his learning and experience." [2] The statement of such a man is, therefore, of considerable value to the student of the question before us. After stating that "in England a priest, even in danger of his life, is often released on his word" by the Government, he proceeds to relate what took place during an interview which he had with Dr. Bancroft, the Bishop of London :—

"The Bishop of London, in whose power I was by the Queen's command, showed me many letters and books of Parsons, Holt, and other English Jesuits, inviting the King of Spain to invade England, as due of right to him, *and urging private men to kill the Queen, by poison or sword.* He asked me if the Seculars were of the same mind, and said that Queen and Council had grave reasons for promulgating such severe laws against Jesuits, Seminaries, and Catholics, because they thought all guilty of these devices, and all disciples of the Jesuits, being educated under them in Seminaries.

"I declared the innocence of the Secular Priests, proving it by our intended appeal to the Pope, *and showed that we had been troubled for years, not for our religion, but for treasons of this sort.* This being told the Queen, she bade the judges, who before

[1] Watson's *Important Considerations*, p. 33, edition 1688.

[2] Gillow's *Bibliographical Dictionary of English Catholics*, vol. i. p. 243.

they go into their circuits, ask what is to be done about Catholics, not to take the life of any priests, unless found guilty in these matters.

"Thereupon a petition was offered to the Queen for some liberty of conscience, protesting the fidelity of the priests and laity in all temporal things, requesting also the suppression of the *Book of Succession*, and all similar writings. This supplication being read and re-read, she exclaimed: 'These men, perceiving my lenity and clemency towards them, are not content, but want everything, and at once. The King of France truly may, without peril of honour, life, or Kingdom, grant liberty of religion to the Huguenots, but it is not so with me, for if I grant this liberty to Catholics, by that deed I lay at their feet myself, my honour, my Crown, and my life. For their Chief Pastor pronounced sentence against me whilst yet I was in my mother's womb (she alluded to the sentence of Clement VI. about the marriage of Henry with her mother). Moreover, Pius V. has excommunicated me, and absolved my subjects from their oath of fidelity, and Gregory XIII. and Sixtus V. have renewed the same, at the instance of the King of Spain, that he may enlarge his own borders, and so to my peril it remains.'"

"They make," continues Bluet, "a difference between the old priests, who became such in the times of Henry and Mary, and the more recent ones, or Seminaries. . . . This difference, they say, is because the old priests have always lived quietly, acknowledged the Queen on Queen Mary's death, and although she removed them from their livings, and introduced others, whether in prison or out, they have always lived peacefully towards the Crown, whilst Jesuits or Seminaries, entering the Kingdom on pretext of religion, have conspired the death of the Prince, and ruin of the country."[1]

About the year 1585, there was first published Dr. Nicholas Sanders' well-known book, *The Rise and Growth of the Anglican Schism*, edited by a priest named Edward Rishton. In this work the author, after describing the punishment inflicted in England, in Elizabeth's time, on Roman Catholics, remarks: "It is said that this cruelty is inflicted on all ranks of men for the safety of the Queen and the State, more and more endangered—so they say—by the Catholics every day becoming more numerous and

[1] *Calendar of State Papers, Domestic*, 1601–1603, pp. 167–169.

attached to the Queen of Scotland, and not at all on account of their religion. Certainly we all think so, and all sensible men think so too." [1] In 1592 Robert Parsons published his *Responsio ad Elizabethæ Reginæ Edictum contra Catholicos*, under the assumed name of "Andreas Philopatrum." In the same year a portion of this work was translated into English by Henry Walpole, S.J., and published with the title of *An Advertisement Written to a Secretarie of my L. Treasurer of England.* The following assertion of Parsons, found in this book, substantially confirms the truth of Lord Burleigh's main contention in his *Execution for Treason*, cited above.

"He (Philopatrum) saith that our governours of Ingland have not pursued matters of religion, as points of religion in this Queenes governmente, according as the Catholique Church doth use to doe with heresies, but rather have chosen to punish them as forged matters of estate, which this answerer showeth to be true by diverse former Proclamations." [2]

Coming down to more recent times, we find the Rev. Joseph Berington, a learned and greatly respected Roman Catholic priest, writing thus on the subject I am now discussing: "This then I infer (and I have ample grounds for the inference) that as none of the old [priests] suffered [in Elizabeth's Reign], and none of the new who roundly renounced the assumed prerogative of Papal despotism, it was not for any tenet of the Catholic faith that they were exposed to prosecution." [3]

The Government of Queen Elizabeth had no wish to put any Roman Catholic to death of whose loyalty to the Queen they were assured. There were laws on the Statute Book under which the death penalty might have been inflicted for purely religious offences, but they were not enforced in that way. I do not say there was no persecution of Romanists for their religion. No one who

[1] Sanders' *Rise and Growth of the Anglican Schism*, p. 323, edition 1877.
[2] *An Advertisement Written*, p. 23.
[3] Berington's *Memoirs of Panzani*, p. 34, edition 1813.

has candidly studied the history of the period could honestly say so. The ruling powers showed their anxiety to save Roman Catholics from the death penalty by asking them a series of questions relating to civil allegiance, apart from religion. Sir John Throckmorton, an English Roman Catholic Baronet, writing in 1792, says that: "These questions continued to be put to the missionary priests throughout the whole of this Reign, and of the one hundred and twenty-four priests who suffered death, I believe few, if any, will be found who answered them in such a manner as to clear their allegiance from merited suspicion. *They were Martyrs to the Deposing power, not to their religion.*" [1] Probably there were a few exceptions to this rule, but I have not been able to discover them. My readers will be interested in reading these questions. They were as follows:—

"1. Whether the Bull of Pius V. against the Queen's Majesty, be a lawful sentence, and ought to be obeyed by the subjects of England?

"2. Whether the Queen's Majesty be a lawful Queen, and ought to be obeyed by the subjects of England, notwithstanding the Bull of Pius V., or any Bull or sentence that the Pope hath pronounced, or may pronounce against Her Majesty?

"3. Whether the Pope have, or had the power to authorise the Earls of Northumberland and Westmoreland, and other Her Majesty's subjects, to rebel, or take arms against Her Majesty, or to authorise Doctor Sanders, or others, to invade Ireland, or any other her dominions, and to bear arms against her; and whether they did therein lawfully or not?

"4. Whether the Pope have power to discharge any of Her Highness' subjects, or the subjects of any Christian Prince, from their allegiance, or oath of obedience, to Her Majesty, or to their Prince for any cause?

"5. Whether the said Doctor Sanders, in his book

[1] *Letter to the Catholic Clergy*, by Sir John Throckmorton, p. 103.

Of the Visible Monarchy of the Church, and Dr. Bristow in his *Book of Motives* (written in allowance, commendation, and confirmation of the said Bull of Pius V.), have therein taught, testified, or maintained a truth or falsehood ?

"6. If the Pope do by his Bull, or sentence, pronounce Her Majesty to be deprived, and no lawful Queen, and her subjects to be discharged of their allegiance, and obedience, unto her; and after the Pope, or any other by his appointment and authority, do invade this Realm, which part would you take ? or which part ought a good subject of England to take ? " [1]

The first priests, to whom these questions were put, were Edmund Campion, Alexander Briant, Robert Sherwin, Luke Kirby, Thomas Cottom, Lawrence Richardson, Thomas Forde, John Shert, Robert Johnson, John Hart, William Filbee, James Bosgrave, and Henry Orton. Their answers to the six questions are given by Mr. Charles Butler,[2] who remarks that: "The pardon of the three priests who answered the six questions satisfactorily, seems to show that a general and explicit disclaimer, by the English Catholics, in the Reign of Queen Elizabeth, of the Pope's Deposing power, would have both lessened and abridged the term of their sufferings. That the replies made by the priests to the six questions were unsatisfactory, is too clear. They are either refusals to answer, or evasive answers, or such answers as expressed their belief of the Deposing doctrine, or at least a hesitation of opinion respecting it. We may add, that among the six questions, there is not one which the Catholics of the present times have not fully and unexceptionably answered, in the oaths which they have taken, in compliance with the Acts of the 18th, 31st, and 33rd years of the Reign of his late Majesty." [3]

[1] Butler's *Historical Memoirs of the English Catholics*, vol. i. pp. 425, 426, third edition.

[2] *Ibid.*, vol. i. pp. 506–514.

[3] *Ibid.*, p. 429.

Cardinal Allen, writing, in 1582, to Agazarius, the Jesuit Rector of the English College in Rome, sent him a copy of the six questions, in which he said of the priests, named above, that: "If they had answered, so as to give satisfaction to the same Queen, she would have remitted their sentence of death, although in everything else they should profess the Catholic faith." [1]

Modern Roman Catholic writers have severely censured Elizabeth's Government for putting such questions to the priests. The objection comes with a bad grace from the advocates of a Church which for centuries, by means of the Inquisition, made inquiries of its victims, by means of torture, with a view to convicting them of heresy. Dom Camm asserts that the six questions were put "with a murderous intent." [2] But of this he affords no evidence whatever. It is more reasonable to assume that they were put with a view to saving the prisoners, if possible, from the death penalty, who had only to answer satisfactorily to secure the continuance of their lives. The Government could have legally executed them, if that had been their desire, without asking them any questions about their temporal loyalty to the Queen. The custom of asking prisoners questions is still common in some Continental countries.

The following is the oath tendered to Campion and others, and refused by the most of them at this time:—

"I acknowledge that our Sovereign Lady, Queen Elizabeth, now reigning in England, is the true and lawful Queen of this Realm, and, while she liveth, ought to possess and enjoy the Crown and Kingly governance thereof, and I and all others of the nation are her liege subjects, and owe and shall owe to bear to her the allegiance and obedience of subjects, notwithstanding any act or sentence that any Pope, or other person, Church, or body hath done or given, or can do or give. And that the pretended excommunication, sentence, or Bull of Pius V., declaring her Majesty an heretic and deprived of her Crown, and her subjects

[1] Throckmorton's *Letter to the Catholic Clergy*, p. 106 (London, 1792).

[2] Camm's *Lives of the English Martyrs*, vol. ii. p. xxxv.

discharged of their allegiance to her, and every like judgment or sentence that hath been, shall, or may be had by any Pope, or other, is and shall be false and erroneous, and of no validity toward her Majesty or her subjects, and that all risings and taking of arms, and persuasions thereunto, against her Majesty by the late rebels in the North, or Sanders, and any other in Ireland, or any other her subjects, were and be unlawful and ungodly doings, and damnable treasons, notwithstanding any warrant, excommunication, Bull, commandment, absolution, or other matter whatsoever, had or pretended, or that may be had from or by any Pope or other body or person ; or any regard or pretence of any Church called Catholic, or any other matter whatsoever." [1]

If Campion and his fellows had taken this oath of temporal loyalty to Elizabeth, their lives would have been saved.

The Northern Rebellion, the Ridolfi Conspiracy, and the Deposing Bull of Pius V. had naturally led to the passing of new penal laws for the protection of the Queen and the safety of the State. By 13 Elizabeth, cap. 1, it was declared to be " High Treason to intend destruction or bodily harm to the Queen, or to levy war, or to move others to war against her, or to affirm that the Queen ought not to enjoy the Crown, but some other person ; or to publish that the Queen is an heretic, schismatic, tyrant, infidel, or usurper of the Crown ; or to claim right to the Crown, or to usurp the same during the Queen's life. In the preamble to 13 Elizabeth, cap. 2, it is stated that certain persons, owing to Bulls received from Rome, had " thought themselves discharged of and from all obedience, duty, and allegiance to her Majesty, whereby most wicked and unnatural rebellion hath ensued, and to the further danger of this Realm is hereafter very like to be renewed, if the ungodly and wicked attempts in that behalf be not by severity of laws in time restrained and bridled." It was therefore enacted that if any person should

[1] *The Reconstruction of the English Church*, by Roland G. Usher, Ph.D., vol. ii. pp. 310, 311, quoted from Lansdowne MSS. 155, f. 87.

put into use any Bull of absolution or reconciliation from the Bishop of Rome; or, if any person or persons should get "from the said Bishop of Rome, or any his successors or See of Rome, any manner of Bull, writing, or instrument, written or printed, containing any thing, matter, or cause, whatsoever, or shall publish, or by any ways or means put in use, any such Bull, writing, or instrument," he shall be deemed guilty of High Treason, and "suffer pains of death." Any one receiving such Bulls and documents, who "shall conceal the same," and not signify it within six weeks to some of her Majesty's Privy Council, "shall incur the loss, danger, penalty, and forfeiture, of misprison of High Treason." Any one bringing into the Realm, from the Bishop or See of Rome, an *Agnus Dei*, or Crosses, pictures, beads, "or such like superstitious things"; or for any person "claiming authority by or from the said Bishop or See of Rome, to consecrate or hallow the same," he shall incur the pains of the Statute of Præmunire.

Pope Gregory XIII., who succeeded Pius V. in 1572, did his utmost to make the Deposing Bull of his predecessor a practical success. The late Father Knox, of the Brompton Oratory, states that Gregory "left nothing undone to impel Philip II. of Spain to overthrow Elizabeth by force of arms. Thus in 1577, when it had been arranged that Don John of Austria, after pacifying Flanders, should undertake the conquest of England, and place Mary, Queen of Scots, on the English Throne, Gregory XIII. sent Mgr. Sega as his Nuncio to Don John, with 50,000 ducats in aid of the proposed expedition. A few months later in the same year he appointed Mgr. Sega Nuncio at Madrid, with special instructions to urge upon the King the expedition against Elizabeth, and to offer on the Pope's part an auxiliary force of 4000 to 5000 men. The ill-fated expedition under Sir Thomas Stukely, which was equipped by Gregory XIII. and sent by him to Ireland, but which, by the treachery of its commander, was diverted from its destination, and perished with Sebastian, King of Portugal,

at Alcazar in Morocco, August 4, 1578, is a further proof of the Pope's zeal in the same cause." [1] With reference to Stukely's proposed expedition to Ireland, it must be admitted that the Pope was not very particular in the choice of his instruments. Don Philip O'Sullivan Bear, who wrote a History of Ireland in Elizabeth's Reign, in the interests of the rebel party, says that just before this expedition: "Some bands of brigands grievously pestered Italy; sallying from the woods and mountains in which they hid, they destroyed villages in midnight robberies and raids, and blocking the roads despoiled travellers. James [Fitzmaurice] besought Pope Gregory XIII. to assist the Catholic Church in Ireland, then almost overwhelmed, and at length obtained from him pardon for these robbers, on condition of their accompanying him to Ireland, and from these and others he got together about one thousand soldiers. The Pope appointed them Generals." [2] Notwithstanding the defection of Stukeley the expedition started for Ireland, under the command of Fitzmaurice, who was accompanied by Nicholas Sanders (or Sander as his name is sometimes spelt), as Papal Nuncio, and two Irish Bishops. They landed at Dingle, on July 17, 1579. Fitzmaurice was slain in battle the following September, and was succeeded, as leader of the Rebellion, by Sir John of Desmond, on whose behalf Gregory XIII. issued a Bull, addressed to the Archbishops, Bishops, noblemen, and people of Ireland, granting to all who took part in the Rebellion "pardon and remission" of their sins, after having confessed, and an Indulgence identical with that "imparted to those who fought against the Turks for the ransom of the Holy Land." [3] The Bull was dated May 13, 1580. This had been preceded by a remarkable letter, written by Sanders, the Papal Nuncio, and addressed to the nobility and gentry of Ireland. It was as follows:—

[1] Knox's *Letters and Memorials of Cardinal Allen*, p. xxix.

[2] *Ireland Under Elizabeth*, translated by Matthew J. Byrne, p. 20, from the *History of Catholic Ireland*, by O'Sullivan Bear.

[3] Meehan's *History of the Geraldines*, pp. 80, 81, second edition.

"*To the Right Honourable and Catholic Lords and Worshipful gentlemen of Irelamd, N. Sanders, Doctor of Divinity, wisheth all felicity.*

"Pardon me, I beseech you, if upon just cause I use the same words to your honours and worships which St. Paul wrote sometime to the Galatians: 'Who hath enchanted you, not to obey the truth?'; for if you be not bewitched, what mean you to fight for heresy against the true faith of Christ, for the devil against God, for tyrants that rob you of your goods, lands, lives, and everlasting salvation, against your own brethren, who daily spend their goods and shed their blood to deliver you from these miseries? What mean you, I say, to be at so great charges, to take so great pains, and to put yourselves in so horrible danger of body and soul, for a wicked woman [Queen Elizabeth] not begotten in true wedlock, nor esteeming her Christendom, and therefore deprived by the Vicar of Christ, her and your lawful Judge; forsaken of God who justifieth the sentence of His Vicar, forsaken of all Catholic Princes whom she hath injured intolerably; forsaken of divers Lords, Knights, and gentlemen of England, who ten years past took the sword against her, and yet stand in the same quarrel? See you not that she is without a lawful heir of her own body, who may either reward her friends or revenge her enemies? See you not that she is such a shameful reproach to the Royal Crown, that whoso is indeed a friend to the Crown should so much the more hasten to dispossess her of the same? See you not that the next Catholic heir to the Crown (for the Pope will take order by God's grace that it shall rest in none but Catholics), must account all them for traitors that spend their goods in maintaining an heretic against his true title and right? What will ye answer to the Pope's Lieutenant when he, bringing us the Pope's, and other Catholic Princes' aid (as shortly he will), shall charge you with the crime and pain of heretics, for maintaining an heretical pretended Queen against the public sentence of Christ's Vicar? Can she, with her feigned supremacy (which the devil instituted in Paradise, when he made Eve Adam's mistress in God's matters), absolve and acquit you from the Pope's excommunication and curse? Shall ye not, rather, stain yourselves and your noble houses with the suspicion of heresy and treason? In which case, if the Catholic heir to the Royal Crown call upon the execution of the laws of the Church, you shall for the maintenance of heresy lose your goods, your lands, your honour, and undo your wives, your children, and your houses for ever. God is not mocked. The longer

it is before He punish, the more hard and severe shall His punishment be.

"Do you not see before your eyes that because King Henry the Eighth brake the unity of Christ's Church his house is now cut off, and ended? And think you that, maintaining the heresy which he began, you shall not bring your own houses to a like end that his hath? Mark, likewise, Sir William Drury's end, who was the General against the Pope's army, and think not our part too weak, seeing God fighteth for us. And, surely, whereas we had once both money, men, and armour to begin this battle withal; God by His most strange means (which to recite in this place it were too tedious) took them all from us, and sent us hither in manner naked, to the end it should be evident to all the world that this war is not the war of man (which is always most puissant in the beginning as most armies, begun with greater power than afterward it is maintained), but the War of God, who of small beginnings worketh wonderful end. Whom I beseech to open your eyes, that while time is, you may openly confess and honour Him more than heretics. The 21st of February, 1580." [1]

The Irish Rebellion was at length suppressed, but we may be quite sure that it, together with the Pope's aid, and Sanders' letter, tended only to make Elizabeth and her Council all the more determined to resist Papal encroachments in England as well as in Ireland.

It was at this time that the Jesuit Invasion began, by the arrival in England, in the summer of 1580, of Edmund Campion and Robert Parsons, accompanied by Ralph Emerson, a Jesuit Lay Brother. Campion was executed in 1581, having refused to answer the questions, relating to his civil loyalty, to the satisfaction of the Government. But Parsons lived on until the seventeenth century. He remained in England for some short time after Campion's death, and then left England, never to return. He spent the remainder of his life on the Continent, where, in safety, he plotted for the overthrow of Elizabeth, and the restoration of Romanism, by means of foreign soldiers, principally those of Philip II. of Spain, the bitter enemy of England. Father Taunton, a secular Roman Catholic priest, writing

[1] Ellis' *Original Letters*, second series, vol. iii. pp. 94–97.

in 1901, says of him: "But that he was the centre of all the plots against her [Elizabeth's] Crown is incontestable." [1] Campion's latest biographer, Mr. Richard Simpson, says of Parsons, that, before he left England, "he had planted at Lapworth Park, and other places round Stratford-on-Avon, the seeds of a political Popery that was destined in some twenty-five years to bring forth the Gunpowder Plot." [2] He also, before his departure, formed, says Simpson, an Association of young Roman Catholic noblemen and gentlemen of the highest rank, and he adds that this Association (or Sodality) "furnished the principals of many of the real or pretended plots of the last twenty years of Elizabeth, and the first few years of James I." [3] Mr. Froude gives the names of eight members, and says that they were "men implicated, all of them, afterwards in plots for the assassination of the Queen. The subsequent history of all these persons is a sufficient indication of the effect of Jesuit teaching, and of the true object of the Jesuit Mission." [4] A Secular Priest, writing in 1603, says: "In the tail of this catalogue of our made enemies, Father Parsons placeth himself, as the chief of all the rest, and I believe him to be chiefest, and only, as the spring and head from whom all our miseries, and mischiefs, both temporal and spiritual, in part or whole, for many years did, and still do, proceed." [5] The Secular Priests living in England had to suffer for Parsons' treasonable plots abroad. Dean Colleton, a secular priest, writing in 1602, thus addresses Father Parsons: "We assure ourselves, Father Parsons, that your restless spirit and pen, your enterprising and busy actions, have turned heretofore our Catholic professants to infinite prejudice, for to no known cause can we impute so much the making of the severe laws of our country, as to your edging attempts and provocations." [6]

[1] *History of the Jesuits in England*, by the Rev. E. L. Taunton, p. 148.
[2] Simpson's *Edmund Campion*, p. 178. [3] *Ibid.*, p. 158.
[4] Froude's *History of England*, vol. xi. p. 63.
[5] *A Replie Unto a Certaine Libell Latelie Set Foorth by Fa. Parsons*, f. 56.
[6] *A Just Defence of the Slandered Priestes*, by John Colleton, p. 170.

And Father Tootle, author of Dodd's *Church History*, was of the same opinion, for he declared that Parsons' " politics and virulent pen had occasioned those laws which all their posterity would smart under." [1] This was also the opinion of Father Joseph Berington, who, writing at the close of the eighteenth century, declares that : " To the intriguing spirit of this man (whose whole life was a series of machinations against the sovereignty of his country, the succession of its Crown, and the interests of the Secular Clergy of his own faith), were I to ascribe more than half the odium, under which the English Catholics laboured through the heavy lapse of two centuries, I should only say what has often been said, and what has often been said with truth." [2]

[1] Dodd's *Secret Policy of the English Society of Jesus*, p. 109 (London, 1715).
[2] Berington's *Memoirs of Panzani*, p. 26.

CHAPTER XIV

ELIZABETH (*continued*)

The Treasonable Work of Popish Seminaries—Testimony of Cardinal D'Ossat, a Secular Priest in 1603, and of Father Taunton—An Act declaring it High Treason to induce any one to Join the Church of Rome—A disgraceful Jesuit Plot in Scotland, worked by Duplicity, Perjury and Cunning—Another Plot to murder Elizabeth—The Plot assisted by a Papal Nuncio—The Pope Approves of the Plot—Father Knox's Comment on the Pope's Conduct—Father Knox's Apology for the Attempted Murder—A new Jesuit Plot for the Invasion of England and Scotland—An Act against Jesuits and Seminary Priests—Plot of Philip II.—Mary, Queen of Scots' Letter approving the Plot.

In carrying on his political work, Parsons, of course, needed agents residing in England. These he mainly secured by means of the Seminaries he established on the Continent for the education of English priests. These were undoubtedly hotbeds of sedition. Elizabeth's Government thought so at the time, and so also did many Roman Catholics. The well-known statement of Cardinal D'Ossat, in a letter dated November 26, 1601, addressed to Henry IV. of France, supports this opinion. He wrote, concerning two of these Seminaries, viz. those at Douay and St. Omers :—

"The principal care which these Colleges and Seminaries have, is to catechise and bring up these young English gentlemen in this Faith and firm belief, that the late King of Spain had, and that his children now have, the true right of succession to the Crown of England, and that this is advantageous and expedient for the Catholic faith, not only in England, but wherever Christianity is.

"And when these young gentlemen have finished their humanity studies, and are come to such an age, then to make them thoroughly Spaniards, they are carried out of

the Low Countries into Spain, where there are other Colleges for them, wherein they are instructed in philosophy and Divinity, and confirmed in the same belief and holy faith, that the Kingdom of England did belong to the late King of Spain, and does now to his children. After that these young English gentlemen have finished their courses, those of them that are found to be most Hispaniolised, and most courageous and firm to this Spanish creed, are sent into England to sow this faith among them, to be spies, and give advice to the Spaniards of what is doing in England, and what must and ought to be done to bring England into the Spaniards' hands; and, if need be, to undergo Martyrdom as soon, or rather sooner, for this Spanish faith, than for the Catholic religion.[1]

A Secular Priest, writing in 1603, remarks concerning these Seminaries :—

"And touching the Colleges and pensions that are maintained and given by the Spaniards, which he [Parsons] so often inculcateth, we no whit thank him for them, as things are handled and occasions thereby ministered of our greater persecution at home, by reason of Father Parsons' treacherous practices, thereby to promote the Spaniards' title for our country; and his hateful stratagems with such scholars as are there brought up; enforcing them to subscribe to blanks, and, by public orations, to fortify the said wrested title of the Infanta; which courses cannot but repay us with double injuries and wrongs, for the benefits received.[2]

"After this he (Parsons) reckoned his Seminaries in Spain and Flanders. A goodly brood! He gave us a reward to break our heads, by his good deeds to bring men into treasons against their Prince and country, as is declared before, and more appeared by his soliciting some of the priests brought up there to come in hostile manner against their country. So he dealt with Master Thomas Leake and others; and such as refused, he fell out with them.[3]

"For the proof of the second objection, of the scholars (in the Seminaries) being urged to subscribe to blanks, and to confirm the Infanta's title to the Crown of England, is a matter

[1] *Lettres Card. D'Ossat*, part ii. l. 7, quoted in Gee's *Jesuit's Memorial*, p. xlvi.
[2] *A Replie Unto a Certaine Libell Latelie Set Foorth by Fa. Parsons*, f. 52.
[3] *Ibid.*, f. 56.

very notorious and evident. We have divers priests yet alive in England to confirm the same by oath, as well of them that were enforced to subscribe against their wills, as others that openly refused the same. I do therefore wonder to see the man's unshamefast denial of so manifest and apparent a truth." [1]

Father Taunton tells us that: "Besides the immense advantage and influence such Colleges would give the English Jesuits, they would be useful in another way. The one hope of regaining England was, in Parsons' eyes, not the patient toil and blood of missionaries, but the armed intervention of Spain. The zealous young men who offered themselves to the Seminaries as soldiers of Christ, found that they were also required to be soldiers of Philip."

Remembering these facts, it need not create surprise that Elizabeth found it necessary to impose special disabilities on the priests educated in these foreign countries, as well as upon all Jesuits. Their loyalty certainly could not be trusted. The first of these Seminaries was that established at Douay, in 1568, and another was founded in Rome, early in 1579. England was soon flooded with priests educated in these institutions, and fresh penal laws were passed to resist the invasion. The Act 23 Elizabeth, cap. 1, "For Retaining the Queen's Majesty's Subjects in their Due Obedience," was exceptionally severe. The penalties imposed by it seem to us, now, out of all proportion to the offences dealt with, but it is some satisfaction to know that the death penalty for such offences was not imposed unless the accused was also proved guilty of distinctly disloyal practices. Some of its penalties were inexcusably severe, but its administration was more merciful. I do not say that in Elizabeth's Reign no one was put to death for being reconciled to the Church of Rome only, but I believe such cases were very few indeed. At any rate that Church, which still justifies, as in itself morally

[1] *A Replie Unto a Certaine Libell Latelie Set Foorth by Fa. Parsons*, f. 68.
[2] Taunton's *History of the Jesuits in England*, p. 133.

right, the infliction of the death penalty for rejection of the Mass, and denial of the Pope's Supremacy, has no right to throw stones at Elizabeth's Parliament for passing this Act. That Church needs to wash its own hands, before it finds fault with the deeds of Elizabeth. At the same time let us never forget that those who are willing to suffer for their convictions, even though they may be erroneous, deserve that measure of respect which is always due to sincerity. It was not for pleasure, we may be sure, that the priests came over from the Continent, but from a mistaken sense of duty. Yet neither sincerity nor personal virtue is any excuse for the crime of treason, nor yet a sufficient reason why those who are guilty should escape its allotted punishment.

By the Act just named it was declared to be High Treason to withdraw any one from the Church of England to the Church of Rome; and those who were willingly reconciled to that Church were declared guilty of the same offence, the punishment of which was death. The aiders and maintainers of such persons, and those who concealed their offences for twenty days, without revealing them to a Justice of the Peace, were declared liable to suffer the penalties of misprison of treason. Any person saying Mass must forfeit the sum of two hundred marks, and suffer imprisonment for one year; and every person who should "willingly hear Mass," should forfeit the sum of one hundred marks, and suffer imprisonment for one year. Any one "above the age of sixteen years" who did not attend his Parish Church, was rendered liable to a fine of £20 per month. Any one maintaining a Schoolmaster who did not attend his Parish Church had to pay a fine of £10 a month.

If this Act had been extensively enforced with regard to its death penalties, as it easily might have been by the Government, thousands of Roman Catholics would have been executed; but, as a matter of fact, modern Roman Catholic writers claim only 184 Martyrs during Eliza-

beth's Reign, including both priests and laity. That is the number given by one of the Brompton Oratorians in 1876,[1] and I have clear proof that a very large proportion of these were disloyal to the temporal Government of Elizabeth.

At about the time when the Irish Rebellion was being aided by Gregory XIII., and the Jesuit invasion of England had commenced, a Jesuit plot was being developed in Scotland, having for its object the restoration of Mary, Queen of Scots, to the Throne of that country, as a step towards making her Queen of England also. Of the plots of this kind, during the life of Mary, the late Father Tierney asserted that "During the life of the Scottish Queen, these were all directed to the ulterior purpose of placing that Princess on the Throne of England." [2] The weapons used for the promotion of this Jesuit Plot were of the most dishonourable kind. Lying, deception, perjury, and double dealing were its chief characteristics. The whole discreditable story is given in detail, and mainly on Roman Catholic and Jesuit authorities, in my *Jesuits in Great Britain*.[3] It may suffice here to mention that at the close of 1579, the Lord Aubigny, who had been educated in France by the Jesuits, left that country for Scotland, ostensibly for the purpose of paying a brief visit to James VI., who happened to be his cousin. He was accompanied to the coast by the Duke of Guise, who had taken a leading part in the horrible St. Bartholomew Massacre, and who personally led the party which then murdered the noble Admiral Coligny. Instead of paying merely a brief visit to Edinburgh, Aubigny took up his residence there, and, soon after, it was announced that he had, in March 17, 1580, renounced Popery, and joined the Presbyterian Kirk of Scotland. The Ministers had

[1] *A Calendar of the English Martyrs*, by Thomas Graves Law, Priest of the Oratory. Several years later Mr. Law left the Church of Rome.

[2] Dodd's *Church History*, Tierney's edition, vol. iii. p. 29, *note*.

[3] *The Jesuits in Great Britain*, by Walter Walsh, pp. 30–60.

their doubts as to the genuineness of his conversion, which we now know was nothing better than a sham. To remove their doubts, the Second Confession of Faith, commonly called "The King's Confession," was drawn up. The first to swear to it was the young King; the second was Aubigny. This took place at Edinburgh on January 28, 1580–81. In it he, with others, denounced the "Roman Antichrist," Transubstantiation, and the "Devilish Mass," Purgatory, Invocation of Saints, Auricular Confession, Holy Water, and "the bloody Decrees made at Trent"; "swearing by the great name of the Lord our God" to obey the doctrine and discipline of the Kirk of Scotland; and calling "the Searcher of all hearts to witness that our minds and hearts do fully agree with this our Confession, promise, Oath, and subscription . . . as we shall answer to Him in the Day when all hearts shall be disclosed." There were several other Romanists in disguise who also swore to this Confession, solely with a view to blinding the eyes of the Protestants, and sending them to sleep in fancied security, lest their opposition should bring to ruin the great Jesuit Plot for the destruction of Protestantism in Scotland by means of foreign soldiers. The Pope knew all about it, and so also did Mary, Queen of Scots, then a prisoner in England. Aubigny, who was a man of fascinating manners, rapidly gained an ascendancy over the young King, James VI., and with the result that he soon acquired considerable political power and influence in Scotland. He was first of all created Earl of Lennox, and on August 27, 1581, he was proclaimed Duke of Lennox. Through his great influence over the King, he secured the execution, on June 2, 1581, of the Earl of Morton, the leader of the Protestants. Within about two years from his arrival in Scotland, Lennox had possession, as commandant, of the principal military forts of Scotland, including Edinburgh Castle, Stirling Castle, and Dumbarton Castle. Jesuit priests were sent to him secretly, from time to time, to help the Plot, whose reports

I quote in my *Jesuits in Great Britain*. One of these secret emissaries was the well-known Jesuit, Father Creighton; the other was the equally well-known Jesuit, Father Holt. On his return to France, Creighton communicated the results of his visit to Scotland to Dr. Allen (subsequently Cardinal), the Archbishop of Glasgow, and Father Robert Parsons, S.J. The late Father Knox, of Brompton Oratory, says that :—

"The greater part of April and May was spent in discussing this design [against Scotland, and England through it], and finally, at a meeting held in Paris, at which, besides those already mentioned, F. Claude Mathieu, Provincial of the Jesuits in France, and Confessor to the Duke of Guise, was present, a plan was definitely decided upon, and F. Creighton was deputed to take it to the Pope at Rome, and F. Parsons to Philip II. at Lisbon, where the King was then residing." [1]

When Parsons revealed the design to the Pope, he took it up warmly, at once subscribed 4000 gold crowns towards the cost, and wrote to Philip II. for his aid. The latter promised to give at least 12,000 gold crowns yearly. The Papal Nuncio at Paris wrote to the Pope about the affair, telling him that Father Parsons wanted 6000 foot-men for Scotland, who, after their work was done in that country, could pass over to England, so as to bring back two Kingdoms to the Church of Rome. "At the proper time," wrote the Nuncio, "the principal Catholics in England will receive information of the affair *by means of the priests*. But this will not be done until just before the commencement of the enterprise, for fear of its becoming known; *since the soul of this affair is its secrecy*." [2] To Mary, Queen of Scots, the Duke of Lennox wrote: "Since my last letters a Jesuit named William Creighton has come to me with letters of credence from your Ambassador. He informs me that the Pope and the Catholic King had decided

[1] Knox's *Life and Letters of Cardinal Allen*, p. xliii.
[2] *Ibid.*, pp. xli., xliii.

to succour you with an army, for the purpose of re-establishing religion in this island, your deliverance from captivity, *and the preservation of your right to the Crown of England*. . . . I will deliver you out of your captivity, or lose my life in the attempt. . . . As soon as I receive your reply I will go to France with all diligence for the purpose of raising some French infantry, and receiving the foreign troops, and leading them to Scotland." [1] All this double dealing and deception was possible only through Lennox falsely professing the Protestant religion, which he never really believed in. His residence in Scotland from first to last was a living lie, and that with the knowledge, and at least the tacit consent of the Pope, the English, Scotch, and French Jesuits, and Mary, Queen of Scots. It forms a very black spot in the history of the Jesuit Order.

Fortunately, the suspicions of the Protestant Ministers, noblemen, and gentry of Scotland were at length aroused. They did not know all that was going on underneath the surface, but they knew enough to prove to them that the Duke of Lennox was in sympathy with Rome, and could not be trusted by them. At length they devised a plan for rescuing the King from the control and evil influence of Lennox (who had instructed his Majesty in all manner of vice), and effectually checking the schemes of the Pope, Jesuits, and the Duke of Guise. On August 28, 1582, several of the Protestant noblemen came to the King at Perth, and invited him to pay a visit to Ruthven Castle. He accepted the invitation, and was made a captive there by the Protestant lords. On this Lennox fled to Edinburgh, where he issued a Declaration, in which he said: "I protest before God it never entered my mind to subvert the religion, as it is falsely alleged against me." [2] At the very time he issued this lying Declaration, Lennox was secretly negotiating with Scottish Romanists, with a view to raising troops strong enough to rescue the King from

[1] *Calendar of Spanish State Papers*, vol. iii. p. 333.

[2] Calderwood's *History of the Kirk of Scotland*, vol. iii. p. 666, Wodrow Society edition.

the Protestants, and restore himself to power. Fortunately he failed, and eventually had to flee from the country. On his way to France he passed through London, where he had an interview with Queen Elizabeth, to whom he swore that he was a true Protestant, and had never spoken to a Jesuit! On the very day he saw the Queen, he sent his private Secretary to Mendoza, Spanish Ambassador in London, who was an active helper on of the great Plot. On this same day, also, Mendoza wrote to his master, the King of Spain, reporting the interview with the Secretary.

"I asked the Duke's Secretary," wrote Mendoza, "whether his master would profess Protestantism in France? And he answered that he had been specially instructed to tell me that he would, in order that I might signify the same to His Holiness, your Majesty, and the Queen of Scotland; *assuring them that he acted thus in dissimulation*, in order to be able to return to Scotland, as otherwise the King would not recall him, and the Queen of England would prevent his return, by means of the Ministers, on the ground that he was a Catholic, *as in his heart he was*. He said that he would make this known also to the King of France."[1]

Lennox at length arrived in France, and from there he wrote to Mary, Queen of Scots, to tell her that he intended to return to Scotland with a foreign army, which would be received into Dumbarton Castle, by an arrangement he had made with the Captain in charge of the Castle. But soon after Lennox arrived in France (where he professed Protestantism) he took ill with a fever, and died. Bellesheim, the modern Roman Catholic historian of the Roman Catholic Church in Scotland, says that: "There can be little doubt that Lennox was throughout Catholic at heart; he received the last Sacraments [of the Church of Rome] with apparent devotion; promised, if he recovered, to make open profession of his faith; and died in excellent

[1] *Calendar of Spanish State Papers*, vol. iii. pp. 438, 439.

dispositions, attended by and in the presence of the good Archbishop of Glasgow." [1]

Thus ended this great Jesuit Plot. There are many, even now, who believe that the Jesuits have never taken part in political affairs because their Constitutions forbid it; but the story I have just related proves that facts contradict the theory.

A particularly villainous conspiracy to murder Queen Elizabeth was hatched in Paris early in 1583. Nothing definite seems to have been known about it until 1882, when Father Knox, of the Brompton Oratory, revealed the plot in his *Letters and Memorials of Cardinal Allen*. The Papal Nuncio at Paris sent full particulars of the design to the Pope in advance, feeling assured—to judge by the tone of his letter—that the Pontiff would fully approve of this way of getting rid of the Queen. The Nuncio's letter was addressed to the Cardinal Secretary of State, for the information of the Pope. He wrote on May 2, 1583 :—

"The Duke of Guise and the Duke of Mayenne have told me that they have *a plan for killing the Queen of England by the hand of a Catholic, though not one outwardly*, who is near her person and is ill-affected towards her for having put to death some of his Catholic relations. This man, it seems, sent word of this to the Queen of Scotland, but she refused to attend to it. He was, however, sent hither, and they have agreed to give him, if he escapes, or else his sons, 100,000 francs, as to which he is satisfied to have the security of the Duke of Guise for 50,000, and to see the rest deposited with the Archbishop of Glasgow in a box, of which he will keep a key, so that he or his sons may receive the money, should the plan succeed, and the Duke thinks it may. The Duke asks for no assistance from our Lord [the Pope] for this affair: but when the time comes he will go to a place of his near the sea to await the event, and then cross over on a sudden into England. As to putting to death that wicked woman, I said to him that I will not write about it to our Lord the Pope, nor do I,[2] nor tell your most illustrious Lordship to

[1] Bellesheim's *History of the Catholic Church of Scotland*, vol. iii. p. 272.

[2] But in writing to the Cardinal Secretary of State he knew very well there was no need to write direct to the Pope, who would be sure to hear about it.

inform him of it; because though *I believe our Lord the Pope would be glad that God should punish in any way whatever that enemy of His*, still it would be unfitting that His Vicar should procure it by these means. The Duke was satisfied; but later on he added that for the enterprise of England, which in this case would be much more easy, it will be necessary to have here in readiness money to enlist some troops to follow him, as he intends to enter England immediately, in order that the Catholics may have a head. He asks for no assistance for his passage across; but as the Duke of Mayenne must remain on the Continent to collect some soldiers to follow him (it being probable that the heretics who hold the treasure, the fleet, and the ports, will not be wanting to themselves, so that it will be necessary to resist them), he wishes that for this purpose 100,000 or at least 80,000 crowns should be ready here. I let him know the agreement which there is between our Lord the Pope and the Catholic King with regard to the contribution, and I told him that on our Lord the Pope's part he may count on every possible assistance, when the Catholic King does his part. The Agent of Spain believes that his King will willingly give this aid, and therefore it will be well, in conformity with the promises so often made, to consider how to provide this sum, which will amount to 20,000 crowns from our Lord the Pope, if the Catholic King gives 60,000. God grant that with this small sum that great Kingdom may be gained."[1]

The Cardinal Secretary of State at once made known the whole plot to the Pope, who appears to have made no objection. Of course he could have stopped the villainous scheme at once, if he had wished, but instead of that his attitude is thus explained by the Secretary, who, on May 23, wrote thus to the Papal Nuncio at Paris :—

"I have reported to our Lord the Pope what your Lordship has written to me in cipher about the affairs of England, and since his Holiness cannot but think it good that this Kingdom should be in some way or other relieved from oppression and restored to God and our holy religion, His Holiness says that *in the event of the matter being effected, there is no doubt that the* 80,000 *crowns will be, as your Lordship says, very well employed.* His Holiness will therefore make no difficulty in paying his fourth, when the time comes, if the Agents of the Catholic

[1] Knox's *Letters and Memorials of Cardinal Allen*, pp. xlvi., xlvii.

King do the same with their three-fourths; and as to this point the Princes of Guise should make a good and firm agreement with the Catholic Agent on the spot." [1]

It is evident that the fulfilment of the Pope's promise to give financial aid was conditional on "*the matter being effected*," nor can there be any doubt that the "matter" referred to was the murder of Elizabeth. When she was put out of the way, but not before, the Pope would be willing to pay his "fourth" towards the invasion of England by the Duke of Guise. As Father Knox writes: "The Dukes of Guise and Mayenne agreed to secure the payment of a large sum of money to a person who engaged in return to kill Queen Elizabeth. The Archbishop of Glasgow, the Nuncio to the French Court, himself a Bishop, the Cardinal of Como, the Spanish Agent, J. B. Tassis, Philip II. of Spain, and perhaps the *Pope himself*, when they were made aware of the project, *did not express the slightest disapprobation of it*, but spoke only of the manifest advantage it would be to religion, if in some way or other the wicked woman were removed by death." [2]

Some of the Popes of the sixteenth century seem to have had very lax notions about murder. The Pope who approved of this particular murder plot was Gregory XIII. Of his predecessor, Pius V., the late Lord Acton wrote: "Pius V. held that it was sound Catholic doctrine that any man may stab a heretic condemned by Rome, and that every man is a heretic who attacks the Papal prerogatives." [3] Gregory XIII. himself had publicly thanked God for the infamous Massacre of St. Bartholomew, and was therefore not the sort of man to have any objection to the murder of an heretical, excommunicated, and deposed Queen. But the wonder is that towards the close of the nineteenth century, Father Knox should write an elaborate article, whitewashing this murder plot which he was the first to

[1] Knox's *Letters and Memorials of Cardinal Allen*, p. xlvii.
[2] *Ibid.*, p. xlix.
[3] *Letters of Lord Acton to Mary Gladstone*, p. 135.

publish in England! "If, then," he argues, "it be no sin in the captive to kill the bandit chief and so escape, *why was it a sin to kill Elizabeth*, and by doing so to save from a lifelong prison and impending death her helpless victim, the Queen of Scots? If the one act is a laudable measure of self-defence, why is the other branded with the names of murder and assassination? In a word, if there is no real disparity between the cases, why should not we use the same weights and measures in judging of them both? Such may have been the reasoning of the Duke of Guise and his approvers, and on such grounds they may have maintained, *not without plausibility*, the lawfulness of an act which, under other circumstances than those which have been described, would merit the deepest reprobation."[1] Apparently, Father Knox leaned to the opinion that, "under the circumstances" of this murder plot, the scheme did *not* "merit the deepest reprobation"; but rather that it was "a laudable measure of self-defence." Happily, the proposed murder was not executed. It was not the only plot to murder Elizabeth, which brought upon the Roman Catholics (including those who did not approve of murder) such severe measures of repression.

But though efforts at assassination failed, the plot to conquer England and Scotland by the aid of foreign soldiers was continued, with the object of making Mary, Queen of Scots, Sovereign of both countries. The death of the Duke of Lennox made it necessary to draw up a new plan for the simultaneous invasion of both countries. A conference was held in the house of the Papal Nuncio in Paris, at which there were present Father Claude Mathieu, Provincial of the French Jesuits, and also Father Robert Parsons. Father Knox prints the whole of the plan adopted.[2] Spain was to send 3000 Spanish soldiers, 4000 Germans, and 4000 Italians. The Commander of these forces was to be chosen by the Pope and the King of Spain,

[1] *Letters and Memorials of Cardinal Allen*, p. li.
[2] *Ibid.*, pp. liii., lv.

and they were to land in England. A second expedition was to consist of French soldiers, and commanded either by the Duke of Guise or his brother, the Duke of Mayenne ; and they also were to land in England on the Sussex coast, while 2000 soldiers were to be sent from Spain to Ireland to give support to the rebels in that country.

Before the time came for these expeditions to start for England, Father Parsons was sent to the Pope with written instructions what to say when he met him. The Spanish expedition was to land in England, at the Pile of Fouldrey, near the borders of Scotland. For this purpose 10,000 soldiers should be sent, with corslets, pikes, and arquebuses, sufficient to arm 5000 more soldiers, taken from amongst the inhabitants of the North of England. The Pope was to be asked by Parsons to send more money, and to send it at once, so that the enterprise might be carried out, if possible, that year (1583). The Pope should also be asked to issue a Bull renewing the Bull of Deposition issued by Pius V., and granting an Indulgence to the soldiers engaged.

While these negotiations were going on abroad, Elizabeth's Council discovered the plot through the arrest of Francis Throckmorton, in November 1583. He was a trusted adherent of Mary, Queen of Scots, and knew all that was going on abroad as well as at home, in preparation for the invasion of England. Under the rack he confessed everything. Another plot to murder Elizabeth was discovered at about this time, for which Edward Arden and John Somerville were sentenced to death. The former was executed ; the latter committed suicide after his sentence. Evil work of this kind could not be tolerated. Throckmorton, of course, was also executed. Major Martin Hume thinks he was probably the person who promised the Duke of Guise to murder Elizabeth for 100,000 francs.

This plot fell to the ground, owing to the mutual jealousy of France and Spain. Philip II. dreaded lest its success should prevent him obtaining the Sovereignty of England

for himself or one of his family, and that it would strengthen the influence of France in the internal affairs of England; while, on the other hand, France was jealous of Spain lest its policy should lead to the weakening of French influence both in England and Scotland. At about this period the Protestant Henry of Navarre was heir to the Throne of France, and this led to the formation of the Catholic League between the Duke of Guise and Philip II., having for its object the crushing of the Huguenots, and the placing of a Romanist on the Throne of France after the death of Henry III. A treaty was signed between them at Joinville in December 1584. The Duke had been the leader of the great plot against England which had fallen through. He was now anxious to get up a civil war against Henry of Navarre, with the hope of himself, or some member of his family, becoming King, instead of the Protestant heir. Philip promised him his support for the expected struggle in France; while Guise promised to give Philip a free hand in conducting another plot of his own against England. The Jesuits had given their hearty support to the plot of the Duke of Guise, but when they saw that the hopes of its success had vanished through the revelations of Throckmorton, they transferred their allegiance to the plot of the King of Spain, which now went forward until, in 1588, the defeat of the Spanish Armada put an end to it also.

The various political plots against the Queen, and attempts at her assassination, for which the Jesuits were held by Elizabeth as mainly responsible, made it necessary to pass further penal laws for the protection of the Queen and the State. The chief of these, passed in 1585, was the well-known Act 27 Elizabeth, cap. 2, passed "Against Jesuits, Seminary Priests, and other such like disobedient persons." The preamble of this Act stated that Jesuits, Seminary, and other priests had come into the land from beyond the seas "to withdraw her Highness' subjects from their due obedience to her Majesty," and "to stir up and move sedition, rebellion, and open hostility." It was

therefore enacted that any such Jesuits and priests, who had been ordained since the first year of the Queen's reign, should within forty days depart out of the Realm, or as soon after as "the wind, weather, and passage shall so serve." If any such persons afterwards came into the Realm, or were found residing therein, they should be adjudged traitors, and suffer the penalty of high treason. Any person who should "wittingly and willingly receive, relieve, comfort, aid, or maintain" such persons, should "suffer death, lose and forfeit, as in case of one attainted of felony." It was further enacted that any person who at the time of the passing of the Act should be residing in any Jesuit College, or Romish Seminary in parts beyond the sea, should return into the Realm within six months, or in default be liable to the penalty awarded to high treason. Any person residing in England who should send money or other relief to any Jesuit or Seminary priest residing abroad, should incur the penalty of Præmunire. If any person should send his or her child, or other person abroad, without a special licence, he or she should be fined £100 for each offence. Any person knowing that a Jesuit or Seminary priest was residing within the Realm, and did not discover him to some Justice of the Peace within twelve days, but willingly concealed his knowledge, should suffer imprisonment at the Queen's pleasure.

The plot of the King of Spain had for its ostensible object the placing of the captive Mary Stuart on the Throne of England, but in reality its object was to make Philip master of the country. Philip was willing that Mary should be made Queen, but he insisted that she should not be succeeded, on her death, by her son James, King of Scotland, since it was believed that his adherence to the Roman faith could not be depended on. This being the case, Philip demanded that he should have the choice of the next Sovereign of England after Mary; and the Pope consented to this. I have no doubt that, if the plot had succeeded in Philip's lifetime, his choice would have fallen

on himself or his heir to the Throne of Spain. Mary herself was willing that Philip's ambition in this direction should be satisfied. On May 20, 1586, she wrote to Mendoza, then Spanish Ambassador in Paris :—

"There is another point, however, upon which I have preferred to write to you privately, in order, if possible, that you may communicate it to the King [of Spain] without any other person learning of it. Considering the great obstinacy of my son in his heresy, for which, I can assure you, I weep and lament day and night, more even than for my own calamity, and foreseeing how difficult it will be for the Catholic Church to triumph if he succeeds to the Throne of England, I have resolved that, in case my son should not submit before my death to the Catholic religion (of which I may say I see but small hope, whilst he remains in Scotland), I will cede and make over, by will, to the King your master, my right to the succession to this (*i.e.* the English) Crown, and beg him consequently to take me in future entirely under his protection, and also the affairs of this country. For the discharge of my own conscience, I could not hope to place them in the hands of a Prince more zealous in our Catholic faith, or more capable, in all respects, of re-establishing it in this country, as the interests of all Christendom demands. I am obliged in this matter to consider the public welfare of the Church before the private aggrandisement of my posterity." [1]

[1] *Calendar of Spanish State Papers*, vol. iii. p. 581.

CHAPTER XV

ELIZABETH (*continued*)

Four English Papists propose to murder Elizabeth—Lord Acton on Popes and Murder Plots—The Spanish Ambassador's Letter describing the Babington Murder Plot—He recommends other Murders—Philip II. says the Plot is "much in God's Service"—A Jesuit Sodality and its Evil Influence—Fourteen Gentlemen executed for the Plot—Their Confession of Guilt—Why they wished to murder Elizabeth—Mendoza believed that Mary, Queen of Scots, knew about the Plot—Preparations for the Spanish Armada—The Pope promises large Sums of Money to help it—Robert Parsons, S.J., and Dr. Allen's Negotiations in Rome—Allen appeals to Philip II. for help—Sir William Stanley treacherously surrenders Deventer—Cardinal Allen defends his Treachery—Allen's *Admonition* to the People of England to Rebel—Bull of Sixtus V. deposing Elizabeth—Defeat of the Spanish Armada—Extract from a Traitorous Book of Robert Parsons—Why some Romanists refused to help the Armada—The Pope gives Authority to Assassinate the Lord Chancellor of Scotland—The Pope and the King of Spain try to win the King of Scotland—The Jesuits try to stir up the Scottish Nobles to Rebellion—A Jesuit on the Value of the Evidence of Spies—Murder Plots at the close of Elizabeth's Reign.

At this period Philip was actively engaged in the formation of his Armada. News of what was going on in Spain soon came to the knowledge of the Romanists residing in England, filling them with gladness and hope. They were anxious to give Spain all the assistance in their power; but they thought success was not likely to attend his invasion of England unless Elizabeth was murdered before his arrival. They made their offers of help, and desires for the assassination of Elizabeth, known to the King of Spain, by means of Mendoza, then Spanish Ambassador in Paris. He had, as we have seen, been Ambassador to England; but two years before this he had been ejected from the country in disgrace, owing to the discovery that he was using his position as Ambassador to aid schemes

for the overthrow of Elizabeth. For this affront Mendoza vowed vengeance. On May 12, 1586, he wrote to Idiaquez: "I am advised from England by four men of position, who have the run of the Queen's house, that they have discussed for the last three months *the intention of killing her. They have at last agreed, and the four have mutually sworn to do it.* They will, on the first opportunity, advise with me when it is to be done, and whether by poison or steel, in order that I may send the intelligence to your Majesty, supplicating you to be pleased to help them after the business is effected." [1] Writing again to Idiaquez, on the following 24th of June, Mendoza informed him that: "The four men who had taken the resolution, about which I wrote to you on the 11th ultimo, have again assured me that they are agreed that it shall be done by steel when opportunity occurs. One of them is confessed and absolved every day." [2]

To those who live in our own day this mixture of piety and plots for murder must seem extraordinary. But to those who lived at the close of the sixteenth century it was not at all surprising. Lord Acton states that:—

"In the religious struggle [against the Protestant Reformation] a frenzy had been kindled which made weakness violent, and turned good men into prodigies of ferocity; and at Rome, where every loss inflicted on Catholicism and every wound was felt, the belief that, in dealing with heretics, *murder is better than toleration*, prevailed for half a century. The predecessor of [Pope] Gregory had been Inquisitor-General. In his eyes Protestants were worse than Pagans, and Lutherans more dangerous than other Protestants. The Capuchin preacher, Pistoja, bore witness that men were hanged and quartered almost daily at Rome; and Pius declared that he would release a culprit guilty of a hundred murders rather than one obstinate heretic. He seriously contemplated razing the town of Faenza because it was infested with religious error, and he recommended a similar expedient to the King of France. He adjured him to hold no intercourse with the Huguenots, to make no terms with

[1] *Calendar of Spanish State Papers*, vol. iii. p. 579.
[2] *Ibid.*, p. 585.

them, *and not to observe the terms he had made.* He required that they should be pursued to the death, that no one should be spared under any pretence, that all prisoners should suffer death. He threatened Charles with the punishment of Saul when he forebore to exterminate the Amalekites. He told him that it was his mission to avenge the injuries of the Lord, and that nothing is more cruel than mercy to the impious. When *he sanctioned the murder of Elizabeth, he proposed that it should be done in execution of his sentence against her.* It became usual with those who meditated assassination or regicide on the plea of religion, to look upon the representatives of Rome as their natural advisers. . . .

"The theory which was framed to justify these practices has done more than plots and massacres to cast discredit on the Catholics. This theory was as follows: Confirmed heretics must be rigorously punished whenever it can be done without the probability of greater evil to religion. Where that is feared, the penalty may be suspended or delayed for a season, provided it be inflicted whenever the danger is past. *Treaties made with heretics, and promises given to them, must not be kept*, because sinful promises do not bind, and no agreement is lawful which may injure religion or ecclesiastical authority. No civil power may enter into engagements which impede the free scope of the Church's law. It is part of the punishment of heretics that faith shall not be kept with them. *It is even mercy to kill them that they may sin no more.*"[1]

Judged by these historical facts, there is nothing at all improbable in the various attempts made by Roman Catholics to murder Queen Elizabeth. The wonder would be if they had not taken place. Mendoza frequently wrote to his master about these assassination plots. I have already cited two of such letters. On August 13, 1586, he wrote again to Philip. He said that leading English Roman Catholics had sent to him "a gentleman of good family called Master Gifford with proper credentials." These Romanists were most anxious that Philip should hurry his preparations for invading England. "If your Majesty did not send a fleet this year to England, you must do so next year, or the year after." They sent with Gifford the names of twenty-two persons of influence who

[1] *History of Freedom*, by Lord Acton, pp. 138–141.

had sworn to raise forces, and co-operate with the King of Spain. These were all members of the nobility, each with a large following. Mendoza continued :—

" Considering the willingness with which those above-named, and many others, have offered to take up arms immediately they are assured of the period when your Majesty's fleet will arrive to help them ; in case of the Queen's death they would probably do so even more readily, seeing the many evils which may result from the Queen's intimacy with the French. This, and the desire that your Majesty might promptly send them aid in their oppression, in order to take advantage of the present favourable opportunity, now that all France is in turmoil, and so many English heretic soldiers and sailors are in Holland and absent with the pirates ; with discontent ripe, not only amongst Catholic schismatics, but also amongst heretics themselves, owing to the oppressive new taxes for the war, and the stoppage of trade, and with the whole country anxious for a change of government, led Babington, who is a strong Catholic, a youth of great spirit and good family, *to try to find some secret means of killing the Queen. Six gentlemen, servants of the Queen, who have access to her house, have promised to do this*, as I reported to Don Juan de Idiaquez on the 11th [1] of May for your Majesty's information. This gentleman (Gifford) tells me that no person knows of this but Babington, and two of the principal leaders, and it would already have been effected if they had not had their suspicion aroused by seeing the Earl of Leicester armed and with a force in Zeeland, which they feared he might bring over to England quickly enough to attack them before they could gather their own forces or obtain help from your Majesty. This has caused them to delay laying hands upon the Queen, until they had reported matters to me, and received assurance that they would be succoured with troops from the Netherlands the moment they might desire it.

" As, moreover, they are most of them young men, and none of them soldiers, they desired that the Earl of Westmoreland should be ready to embark with some other experienced Captains, of any nationality, to help them immediately it might be necessary. The Earl, they say, is so influential a personage that his mere presence will suffice to raise all the north country, as he has the greatest following of any man in England. They will not ask for troops to be sent, unless they are urgently needed,

[1] This letter was dated May 12th, not May 11th, and mentioned only four men, not six, as willing to kill the Queen.

and if I will give them my word that they shall at once have help from the Netherlands in case they want it, and that your Majesty will succour them from Spain, if required, *they say they will immediately put into execution their plan to kill the Queen.* They beg me not to doubt this, as those who are to carry it out are resolved to do it, and not to await for a favourable opportunity, *but to kill her, even on her Throne and under her canopy of State,* if I tell them that the time has arrived to put an end to her." [1]

Such an abominable murder plot as this ought to have been abhorrent to every right-minded man. But in the opinion of Mendoza it was pious and holy to murder anybody if the interests of his Church required it. Instead of trying to dissuade these gentlemen from their wicked purposes, he urged them to extend their criminal operations by assassinating five other prominent English Protestants! With a sickening affectation of piety, Mendoza, in the letter just cited, tells his Master :—

"I received the gentleman in a way which the importance of his proposal deserved, *as it was so Christian, just, and advantageous to the holy Catholic faith,* and your Majesty's service, and I wrote them two letters by different routes, one in Italian and the other in Latin, encouraging them in the enterprise, which I said was worthy of spirits so Catholic, and of the ancient valour of Englishmen. If they succeeded in killing the Queen, they should have the assistance they required from the Netherlands, and assurance that your Majesty would succour them. This I promised them, in accordance with their request, upon my faith and word. I urged them with arguments to hasten the execution. . . . They should either kill or seize Cecil, Walsingham, Lord Hunsdon, Knollys, and Beal, of the Council, who have great influence with the heretics, as they are terrible heretics themselves, and I gave them other advice of the same sort. . . . Up to the present your Majesty had in no way been pledged in the business, except the risk of the 100,000 crowns, *which have been given to the priests who have been going hither,*

[1] *Calendar of Spanish State Papers,* vol. iii. pp. 603–606.

and if secrecy be kept there will be no risk in looking on and watching what comes of it. If the Queen falls, the country will submit without the effusion of blood. . . . I send herewith a statement of the English Counties and their condition. I have drawn this up afresh, both from my own information and from the intelligence given to me by a priest whom I sent round the country." [1]

When Mendoza's letter reached Philip he was delighted with the news, and at once sent Mendoza his hearty approval of the foul deeds proposed, mixing his approbation of murder with pious sentiments. "As the affair," he wrote on September 5th, "is so much in God's service it certainly deserves to be supported." He seems to have specially rejoiced at the proposal to murder certain members of Queen Elizabeth's Council. "The warnings you sent thither [to England] as to certain other executions which you thought should follow the principal one, were well advised." "I recollect," continued the King, "some of those whom you mention as being in the plot, and in other cases their fathers. A business in which such persons are concerned certainly looks serious; and in the service of God, the freedom of Catholics, and the welfare of that Realm, I will not fail to help them. I therefore at once order the necessary force to be prepared for the purpose, both in Flanders and here in Spain. It is true that as the whole thing depends upon secrecy, and our preparations will have to be made without noise, the extent of the force must not be large enough to arouse an outcry, and so do more harm than good, but it shall be brought to bear from both directions with the utmost promptness, as soon as we learn from England that the principal execution planned by Babington and his friends has been effected. The matter has been deeply considered here, with a view to avoiding, if possible, the ruin of those who have undertaken *so holy a task*." [2]

[1] *Calendar of Spanish State Papers*, vol. iii. pp. 606–608.

[2] *Ibid.*, pp. 614, 615.

It is important to mention here that there existed in England at this period an Association of young Roman Catholic gentlemen, which had been "solemnly blessed by Gregory XIII., April 14, 1580." [1] It was the first of those Jesuit Sodalities, for laymen and women, which have played such an important part in the operations of the Jesuit Order, and which still exist in, probably, every Jesuit Church in the United Kingdom. The sympathetic biographer of Father Campion, S.J., tells us that this Association "furnished the principals of many of the real or pretended plots of the last twenty years of Elizabeth and the first few years of James I." [2] He mentions the names of several of the members of this "secret organisation"—as he terms it. *They include six of the men executed for the Babington Plot to murder Queen Elizabeth.* It is noteworthy that six was the number of those who were the first to take part in the Plot. The half-a-dozen principal men in the Papal blessed Association, who were probably the identical six mentioned by Mendoza in his despatches, were all spiritual children of the Jesuits. Their names were Anthony Babington, Chideock Titchbourne, Thomas Salisbury, Charles Tilney, Edward Abingdon, and Jerome Bellamy.

Fourteen gentlemen were put on their trial for the Plot. Of these, seven pleaded guilty, viz. Babington, Ballard, Barnwell, Savage, Dunn, Salisbury, and Titchbourne. Seven pleaded not guilty, viz. Abingdon, Tilney, Jones, Travers, Charnock, Bellamy, and Gage. They were all sentenced to death, and executed. Ballard was a priest, and was evidently the most guilty of them all. At his trial, and in the presence of Ballard, Babington exclaimed: "Yea, I protest, before I met with this Ballard, I never meant nor intended for to kill the Queen; but by his persuasions I was induced to believe that she was excommunicated, and therefore lawful to murder her." [3] The confession of

[1] Simpson's *Edmund Campion*, p. 157, edition 1867. [2] *Ibid.*, p. 158.
[3] *State Trials*, vol. i. p. 125, edition 1730.

Savage was read at his trial. He was asked by one of the Judges, "Was not all this willingly and voluntarily confessed by thyself, without menacing, without torture, or without offer of any torture?" To which Savage replied, "Yes."[1] This confession implicated another priest as an inciter to assassination. This was Dr. Gifford, who afterwards became Archbishop of Rheims. The confession of Savage cannot be rejected on the ground that he was a spy in the pay of the Government. What he said was, I believe, the truth. He said that :—

"He served in the camp of the Prince of Parma, and from thence he departed towards Rheims, where falling acquainted with one Hodgson, and talking with him about exploits of services, it chanced Dr. Gifford overheard them, and coming to them said, 'But a better service could I tell you than all this' (moving the murder of the Queen of England). But Savage seemed to object how dangerous and difficult it was. So they went to supper; and after supper ended, Gifford declaring unto them, how necessary, how just and meritorious the committing of the murder should be, said that peradventure he sticked to do the fact, forasmuch as he, percase, was not resolved whether the killing of a Prince were lawful or not. Whereupon he desired him to advise himself, and to ask opinions of others. And Savage having heard others affirm that the murder was lawful, forasmuch as in their pretence she was an heretic, an enemy to true religion, and a schismatic person. At last, after three weeks, wherein he had not seen Gifford, he answered that he was contented to do anything for his country's good. Then said Gifford: 'Assure yourself you cannot do a greater good unto your country, nor whereby the country should be more beholden, especially all the Throckmortons and Giffords.'

"At last Savage, overcome with their persuasions, gave his assent and Oath, that he would put the same in practice. When he had given his oath to murder her, Gifford declared unto him how, and in what place, her Majesty might be slain. And, therefore, Gifford charged him to forbear no time nor place, but to murder her; and, therefore, as her Majesty should go into Chapel to hear Divine Service, Savage might lurk in the gallery, and stab her with his dagger. Or, if her Majesty should walk in her garden, he might then shoot her through with his dagg. Or, if her Majesty did walk abroad to take the air, as she would

[1] *State Trials*, vol. i. p. 122.

often do, rather (as Gifford said) accompanied with women than men, and those few men but slenderly weaponed, Savage might then assault her with his arming sword, and so make short work; albeit in all these cases Savage should be in extreme hazard of his own life, forasmuch as the thing itself was so lawful, honourable, and meritorious, and he sure to gain Heaven thereby. Thereupon came Savage over into England with this intent and purpose, for to kill the Queen. But not doing the same as soon as was looked for, he received letters from Morgan and Gifford from beyond the seas, persuading him to execute the same. But then he fell acquainted with the most notorious conspiracy of Babington, whereby was another Plot devised, that there should be six which should kill the Queen. Savage would not assent thereto, forasmuch as he thought except he did it himself his conscience could not be satisfied. But Babington told him he should be one." [1]

A Benedictine Monk, writing in the *Month* (the official organ of the English Jesuits) for March 1904, pleads that Dr. Gifford could not have been guilty of the offences charged against him, because on April 18, 1586, he wrote from Rheims to Walsingham, offering his services to the Government for the purpose of making known, from time to time, any disloyal practices against the State with which he might become acquainted. At first sight this seemed to me conclusive. But after an interval I discovered that Gifford's offer was a hypocritical one, and utterly insincere; and made for the purpose of blinding the eyes of Walsingham, with a view to obtain permission to visit England, where he might have greater facilities of communicating with Mary, Queen of Scots, and assisting her cause. The proof of his insincerity is found in a letter written by Thomas Morgan to Mary, Queen of Scots, from France, on April 26, 1586. Morgan was her most trusted agent on the Continent, and served her faithfully to the end of her life. He wrote to her:—

"Under colour of some service to be done to that State [England], some priests, now abroad in banishment, are entered into conference by writing with Secretary

[1] *State Trials*, vol. i. pp. 121, 122.

Walsingham, for the desire they have indeed to profit their country, *and not to serve Secretary Walsingham's turn, whatsoever they may promise him. This practice is new and secret,* but yet imparted to me by the priests themselves, who have been with me of late days. The suspicious heads of England, *not knowing the inward hearts and meanings of these priests,* will soon call their integrity in question, if they be found to have any practice with Secretary Walsingham. But if your Majesty hear otherwise than well of these priests, you may retain such conceit of them as Catholic devout priests deserve to have, and that travel by the effusion of their innocent blood to appease the ire of God for the sins of that Realm. Of these priests I know no more but two that is yet entered into this practice, who without all doubt will overtake the Secretary, if the purpose go forwards, and do your Majesty and that Realm signal service.

"These two priests that I speak of be named Gifford, Doctor of Divinity, and a gentleman of good house, and well qualified. I did recommend him to your Majesty upon my knowledge of his worthiness, and zealous affection towards your Majesty . . . for whose release he is likely to be a very profitable member, and to that end will adventure his life. If he goes to that Realm, I will address him to have intelligence with your Majesty. . . . The other priest's name is Gratley, a sweet soul of God." [1]

The Rev. J. H. Pollen, S.J., evidently thinks that Dr. Gifford was mixed up with the Babington Plot. After quoting Morgan's letter to Mary, Queen of Scots, which I have just cited, he remarks: "But so far as his [Morgan's] words go, Dr. William [Gifford] had already joined in the intrigue, which with us goes under the name of Babington's Plot. Or, if it be said that this plot was still vague and unsettled, and that the Doctor could not possibly 'have travailed much therein *already*' (the attempt against the Queen's life had most probably not yet been included in

[1] Murden's *State Papers*, pp. 511, 512.

the conspiracy), at least we must say that the Doctor was participant in some of the schemes for Mary's relief by the intervention of France or Spain, or both." [1]

The whole of the conspirators executed for the Babington Plot entered into it in the interests of the Roman Catholic religion solely. In their opinion, to murder Elizabeth was an act which would do God service. It was a matter of conscience with them to do the foul deed, and had they succeeded they would not have thought that they had committed any sin whatever. At his trial Dunn said: "When I was moved, and made privy to these treasons, I always said that I prayed unto God, that that might be done which was to His honour and glory." [2] And, later on, Dunn further said: "What I have done herein was for my religion and conscience' sake." [3] Barnwell said: "What I did was only for my conscience' sake, and not for any malice or hatred to her Majesty's person." [4] At the place of execution, the priest, John Ballard, "confessed that he was guilty of those things for which he was condemned, but protested they were never enterprised by him upon any hope of preferment, but only for the advancement of true religion." [5] Babington confessed that "he was come to die, as he deserved; howbeit he protested that he was not led into those actions upon hope of preferment, or for any temporal respect; nor had ever attempted them, but that he was persuaded by reasons alleged to this effect, 'that it was a deed lawful and meritorious.'" [6] Savage said "that he did attempt it, for that in conscience he thought it a deed meritorious, and a common good to the weal-public, and for no private preferment." [7]

When the news of the execution of the conspirators reached Paris, Mendoza wrote to the King of Spain: "They have executed fourteen of the English Catholic prisoners in England, the names of whom I enclose. They all died as Catholics, *confessing that they died for religion's*

[1] The *Month*, April, 1904, p. 362.
[2] *State Trials*, vol. i. p. 124.
[3] *Ibid.*, p. 126.
[4] *Ibid.*, p. 125.
[5] *Ibid.*, p. 133.
[6] *Ibid.*, p. 133.
[7] *Ibid.*, p. 133.

sake, and saying that if they had as many lives as they had hairs on their heads, they would spend them all in the same cause." [1]

The discovery of the Babington Plot, and the part which Mary, Queen of Scots, took in it, naturally made the English Government more vigilant than ever in enforcing the Penal Laws against Romanists. This is by no means to be wondered at. What else could have been expected? The danger to the Queen and the State was very real at that time, and it would have been folly to have remained inactive. The Jesuits and their followers were doing everything possible to exasperate the Queen and her Council; but did nothing whatever to allay the natural irritation their treasonable conduct provoked. If it had not been for the priests the Babington Plot would never, I believe, have been hatched. We may shudder at the fate which awaited Mary, but it cannot be truthfully asserted that she was innocent of complicity in the Plot. She knew all about it from the letters sent her by Babington, and her guilt is evident quite apart from the postscript to her letter to Babington, as to the genuineness of which so much controversy has arisen. This was also the opinion of Mendoza, who judged of her guilt from what she herself had written to him. In his letter to the King of Spain, on September 10, 1586, about the murder Plot, he wrote: "*I am of opinion that the Queen of Scotland must be well acquainted with the whole affair, to judge from the contents of a letter which she has written to me.*" [2]

The failure of the Babington Plot, and the execution of Mary, Queen of Scots, did not put an end to the King of Spain's preparations to invade England. On the contrary, they seem to have stimulated him to prompt action. While the Armada was being prepared in Spain, negotiations went on with Rome, with a view to obtaining not only the Pope's blessing on the undertaking, but also substantial money help from the Papal treasury. He was not long waiting

[1] *Calendar of Spanish State Papers,* vol. iii. p. 641. [2] *Ibid.,* p. 624.

to receive promises of Pontifical help. At the end of the year, Cardinal Carrafa handed to Count de Olivares, Spanish Ambassador in Rome, the following official document, dated December 22, 1586, in the name of the Pope :—

"His Holiness, desirous of aiding with all his strength this holy enterprise [*i.e.* the Spanish Armada], to which God has stimulated his Catholic Majesty, is willing to employ in it a sum not exceeding one million in gold ; that is to say, he will give five hundred thousand crowns in one sum as soon as the Armada shall have arrived in England, in accordance with the document signed with my hand, of 8th September of this year, and subsequently, at the end of each four months, he will pay one hundred thousand crowns until the full sum of a million shall have been paid." [1]

The death of Mary made it necessary to decide who should be the next Sovereign of England, should the Armada prove successful, and Elizabeth be either dethroned or put to death. That notorious Jesuit firebrand, Robert Parsons, was in Rome at this time, and so also was Dr. Allen, who, the next year, was made a Cardinal. They both wished the King of Spain to become King of England. The Count de Olivares wrote to Philip from Rome, on December 23, 1586 : "This Father Robert [Parsons] and Allen are not only of opinion that the Pope should give the investure to the person who should be nominated by your Majesty, but say that the succession rightly belongs to your Majesty yourself, by reason of the heresy of the King of Scotland, and even, apart from this, through your descent from the house of Lancaster." [2] But old Pope Sixtus V. had other views : he wished to have the disposal of the Crown of England in his own gift, as its Superior Lord. He said that he was willing to furnish the King of Spain with money towards the expenses of the war, "but *on condition that the nomination to the Crown of England*

[1] *Calendar of Spanish State Papers*, vol. iii. p. 659. [2] *Ibid.*, p. 660.

shall rest with the Pope, and that the Kingdom of England be recognised as a Fief of the Church" [1]—thus reviving the Papal claim which King John acknowledged when he received the Crown of England back from the Papal Legate. While Allen and Parsons were labouring in Rome on behalf of the King of Spain's claim to the Throne, Allen was in correspondence with the King, urging him, on behalf of the English Romanists, to assert his claim, and to punish Elizabeth. "The death of the Queen of Scots," he wrote, "makes them redouble their entreaties that he will take pity upon them and help them, punishing the impious shedders of the innocent blood of a crowned Queen, and violaters of the rights of nations. Urges him to assert his claim as next heir in blood, heretics being disqualified to succeed, and denounces the Queen of England in violent language as an impious traitress and usurper." [2] Parsons, however, with true Jesuit cunning, drew up a document, which he forwarded to the Spanish Ambassador in Rome, urging that the King of Spain's claim to the Throne should be kept in the background, lest the Pope's enthusiasm for the enterprise should cool down, if he thought it was undertaken merely for the aggrandisement of Philip, rather than for the interests of the Church of Rome; and the jealousy of other Princes should be aroused. It would be better to decide when the Armada arrived in England and had been victorious, who should succeed Elizabeth. It would then be seen that "there will be no other Catholic Prince alive whose claims will clash with those of his Majesty"—Philip II.[3]

While these events were taking place, and the preparations for the Armada were being rapidly pushed forward, all England was roused to indignation at the treacherous surrender of Deventer by Sir William Stanley, a Roman Catholic. At this time England was at war with Spain in the Netherlands, in defence of the Protestants,

[1] *Calendar of Venetian State Papers*, vol. viii. p. 289.
[2] *Calendar of Spanish State Papers*, vol. iv. p. 54.
[3] *Ibid.*, p. 43.

whose awful sufferings at the hands of the Spanish Inquisition are eloquently described by Motley in his *Rise of the Dutch Republic*, and *History of the United Netherlands*. Deventer was then the most important mercantile place in all the Netherland Provinces, and the great centre of the internal trade of the country with the Baltic nations. Sir William Pelham had captured the town for the English, and was then unwise enough to place over it, as Governor, Sir William Stanley, and station in it as a garrison a regiment of 1200 Irish Roman Catholics, all soldiers in the service of Queen Elizabeth. On the evening of January 28, 1588, Stanley entertained the magistrates of Deventer at a splendid banquet, at which he assured his guests that the Queen of England had not a more loyal subject than himself, nor the Protestant Netherlands a more devoted friend. At three o'clock the following morning he left Deventer on the plea that he was going to bring in more soldiers into the town to strengthen it against the Spaniards. He returned in an hour or two, bringing with him, not soldiers to defend Elizabeth's cause, but a thousand Spanish musketeers, and three or four hundred Spanish troopers. With these and his Irish soldiers Stanley at once captured the town on behalf of the King of Spain. When asked by the Protestants of Deventer why he acted so, his reply was: "I have not done this for power or pelf. Not the hope of reward, but the love of God hath moved me." [1]

The disloyalty of Cardinal Allen is markedly seen in the way he commented on the treachery of Sir William Stanley, which he defended in a book bearing the title of *The Copie of a Letter written by M. Doctor Allen, Concerning Yeelding up of the Citie of Daventrie unto his Catholike Majestie, by Sir William Stanley*. This book was reprinted, with an historical Introduction by Mr. Thomas Heywood, by the Chetham Society in 1851. In it Allen accurately defined the teaching of the Church of Rome as to allegiance to a Protestant Sovereign excommunicated by the Pope.

[1] Motley's *History of the Netherlands*, vol. ii. pp. 160–163, edition 1869.

"As all acts of Justice within the Realm," he wrote, "done by the Queen's authority, ever since she [Elizabeth] was, by public sentence of the Church and See Apostolic, declared an heretic, and an enemy of God's Church, and for the same by name excommunicated, and deposed from all Regal dignity; as, I say, ever since the publication thereof, all is void by the law of God and man: so likewise no war can be lawfully denounced, or waged by her, though otherwise it were in itself most just. Because that is the first condition that is required in just war, that it be by one denounced that hath lawful and supreme power to do the same, as no excommunicate person hath, especially if he be withal deposed from his Regal dignity, by Christ's own Vicar, which is the Supreme Power in earth. And all subjects are not only absolved, and discharged of their service, Oath, homage, and obedience, but specially forbidden to serve, or obey any such canonically condemned person. Saith Gregory VII.: 'We, according to our predecessors' decrees, do assoil and discharge all them that by obligation of Oath, or fidelity, are bound to persons excommunicate; and that they do not obey such, we do expressly forbid.' And for their discharge, especially that serve in such wars, there is an express Canon of Urban II.: 'Give order that the sworn soldiers of Count Hugh, serve him not so long as he standeth excommunicate; and if they pretend their former Oath made unto him, admonish them that God is to be served before men. For that Oath which they made to him then, when he was a Christian Prince, is not now to be kept towards him, being an enemy to God and His Saints, and a breaker and contemner of their commandments. . . . *And therewith perceive, that those that break with God, cannot claim any bond of Oath, or fidelity of them that were their subjects.*" [1]

When we remember that the man who wrote this traitorous book was, from that time until the end of his life, the real leader of the English Roman Catholics, can any one wonder at the increased vigilance against Roman Catholic priests and laity at this period? To treat Allen's utterances with silent contempt would have been an act of folly. On the 10th of July 1587, Count de Olivares wrote to Juan de Idiaquez to inform him that Allen and Robert Parsons were "writing books to be spread in England," insisting on the right of Philip II. to the Crown of England.[2] The

[1] Chetham Society edition, pp. 22–24.

[2] *Calendar of Spanish State Papers*, vol. iv. p. 122.

result of their combined labours was seen in the publication of a scandalous and traitorous book issued at the time of the Spanish Armada, with a view to obtaining a welcome for it from English Romanists. It bore the title of *An Admonition to the Nobility and People of England and Ireland*, "by the Cardinal of England." It was reprinted, with an introductory preface by "Eupator" (*i.e.* the Rev. Joseph Mendham), in 1842. This reprint is so scarce that I have only seen one copy of it offered for sale by second-hand booksellers during the past thirty years. In this work Allen put forth the Papal claim to the Sovereignty of England, a claim which Rome has never withdrawn. He declared that:—

"Over and besides that she [Elizabeth] never had consent nor any approbation of the See Apostolic, *without which, she, nor any other, can be lawful King or Queen of England*, by reason of the ancient accord made between Alexander III., the year 1171, and Henry II., then King, when he was absolved for the death of St. Thomas of Canterbury, that *no man might lawfully take that Crown, nor be accounted as King, till he was confirmed by the Sovereign Pastor of our souls*, which for the time should be. This accord afterwards being renewed, about the year 1210, by King John, who confirmed the same by oath to Pandulph, the Pope's Legate.

"Elizeus caused Jehu to be consecrated King, and the house of Achab to lose their right to the Kingdom, and his son Joram to be slain; by whose commandment cursed Jezebel was afterwards thrown out of her chamber window into the court, and after eaten of dogs, in the very same place where she had committed cruelty and wickedness before. This Jezebel, for sacrilege, contempt of holy priests, rebellion against God, and cruelty, doth so much resemble our Elizabeth, that in most foreign countries and writings of strangers she is commonly called by the name of Jezebel. *I know not whether God have appointed her to a like, or a better end.*

"There is no war in the world so just or honourable, as that which is waged for religion, whether it be foreign or civil; nor crime in the world deserving more sharp and zealous pursuit of extreme revenge, than falling from the faith to strange religions, whether it be in the superior or subjects.

"It is clear that what people or person soever be declared

to be rebellious against God's Church, by what obligation soever, either of kindred, friendship, loyalty, or subjection I be bound to them, I may, or, rather, must take arms against them; nothing doubting but when my King or Prince hath broken with Christ, by whom, and for defence of whose honour he reigneth, that then I may most lawfully break with him.

"And for your better information his Holiness confirmeth, reneweth, and reviveth, the Sentence Declaratory of Pius Quintus . . and dischargeth all men from all oath, obedience, loyalty, and fidelity towards her; requiring and desiring in the bowels of Christ, and commanding under pain of excommunication and other penalties of the law, and as they look for the favour and protection to them and theirs, afore promised, and will avoid the Pope's, King's, and the other Princes' high indignation, that no man, of what degree or condition soever, obey, abet, aid, defend, or acknowledge her for their Prince, or superior; but that all and every one, according to their quality, calling, and ability, immediately upon intelligence of his Holiness' will, by these my letters, or otherwise, or at the arrival of his Catholic Majesty's forces, be ready to join to the said army, with all the powers and aids they can make, of men, munition, and victuals, to help towards the restoring of the Catholic faith, and actual deposing of the usurper.

"Fight not, for God's love, fight not in that quarrel in which, if you die, you are sure to be damned. . . . If you win, you save your whole Realm from subversion, and innumerable souls, present and to come, from damnation. If you die, you be sure to be saved, the blessing of Christ and His Church, the pardon of his Holiness, given to all in most ample sort, that either take arms, die, or any way duly endeavour in this quarrel."

It was not, however, thought sufficient for Allen to thus address the English Romanists. What he had to say would carry but little weight, unless it were seen that it was supported by the Pope. That support was granted by Sixtus V. in his Bull deposing her from her throne. I subjoin some extracts from this document, which is printed entire in Tierney's edition of *Dodd's Church History*, vol. iii., Appendix, pp. xliv.–xlviii:—

"And to notify to the world the justice of this act, and give full satisfaction to the subjects of those Kingdoms and others whosoever, and finally to manifest God's judgments upon sin,

his Holiness hath thought good, together with the Declaratory Sentence of this woman's [Elizabeth] chastisement to publish also the causes which have moved him to proceed against her in this sort.

"*First*, for that she is an heretic and schismatic, excommunicated by two of his Holiness' predecessors; obstinate in disobedience to God and the See Apostolic; presuming to take upon her, contrary to nature, reason, and all laws both of God and man, supreme jurisdiction and spiritual authority over men's souls.

"*Secondly*, for that she is a bastard, conceived and born by incestuous adultery, and therefore incapable of the Kingdom, as well by the several sentences of Clement VII. and Paul III. of blessed memory, as by the public declaration of King Henry himself.

"*Thirdly*, for usurping the Crown without right, having the impediments mentioned, and contrary to the ancient accord made between the See Apostolic and the Realm of England, upon reconciliation of the same after the death of St. Thomas of Canterbury, in the time of Henry II., that *none might be lawful King or Queen thereof, without the approbation and consent of the Supreme Bishop;* which afterwards was renewed by King John and confirmed by oath, as a thing most beneficial to the Kingdom, at request and instance of the Lords and Commons of the same.

"Wherefore, these things being of such nature and quality that some of them make her unable to reign, *others declare her unworthy to live;* his Holiness, in the Almighty power of God, and by Apostolical authority to him committed, doth renew the sentence of his predecessors Pius V. and Gregory XIII., touching the excommunication and deposition of the said Elizabeth; and further anew doth excommunicate, and deprive her of all authority and Princely dignity, and of all title and pretension to the said Crown and Kingdoms of England and Ireland, declaring her to be illegitimate, and an unjust usurper of the same. And absolving the people of those States, and other persons whatsoever, from all obedience, oath, and other bond of subjection unto her, or to any other in her name. And further, doth straightly command, under the indignation of Almighty God and pain of excommunication, and the corporal punishment appointed by the laws, that none, of whatsoever condition or estate, after notice of these presents, presume to yield unto her obedience, favour, or other succours; but that they and every of them concur by all means possible to her chastisement.

"Our said Holy Father, of his benignity and favour to this

enterprise, out of the spiritual treasures of the Church, committed to his custody and dispensation, granteth most liberally to all such as assist, concur, or help in any wise to the deposition and punishment of the above-named persons, and the reformation of these two countries, Plenary Indulgence and pardon of all their sins, being duly penitent, contrite, and confessed."

The terrible disaster which awaited the Spanish Armada is known to every student of English history, and therefore I need not describe it here. The thought of possible failure never seems to have entered the minds of either Philip, or the officers in command of the Armada. In their opinion victory was assured before they had struck a blow. Probably the Pope and Philip would never have commenced preparing for the enterprise were it not for the assurances of Allen and the Jesuit Parsons, who represented that almost all England was ready to welcome the Spanish soldiers, and assist them in getting rid of Elizabeth and the Protestant religion. As a specimen of these assurances, by which the King of Spain was misled, I may quote *A Brief Note on the Present Condition of England*, which Parsons wrote in 1585, when the preparations for the Armada had commenced. He gave a long list of English Roman Catholic Peers and influential gentlemen who, he declared, were ready to rise in arms as soon as the Spanish soldiers had landed in England. He then gave his reasons for this hopeful view of the situation.

" 1. Because some of the principals among them have given me their promise.

" 2. Because, on hearing that Pope Pius intended to excommunicate and depose the Queen sixteen years ago, many Catholics did rise. They only failed because no support was sent them, and the Pope's sentence had not at that time been actually published. Now, when the Pope has spoken, and help is certain, there is not a doubt how they will act.

" 3. Because the Catholics are now much more numerous, and have received daily instruction in their religion

from our priests. There is now no orthodox Catholic in the whole Realm who supposes that he is any longer bound in conscience to obey the Queen. Books for the occasion have been written and published by us, in which we prove that it is not only lawful for Catholics, but *their positive duty to fight against the Queen and heresy when the Pope bids them;* and these books are so greedily read among them that when the time comes they are certain to take arms.

"4. The Catholics in these late years have shown their real feeling in the martyrdoms of priests and laymen, and in attempts made by several of them against the person and State of the Queen. *Various Catholics have tried to kill her at the risk of their own lives, and are still trying.*

"We have three hundred priests dispersed among the houses of the nobles and honest gentry. Every day we add to their number; and *these priests will direct the consciences and actions of the Catholics at the great crisis.*" [1]

While there can be no doubt that Parsons took altogether too hopeful a view of the situation, his letter affords irrefutable evidence of the disloyal work of the Jesuits and many other priests in England at that time. Their very presence in England constituted a grave danger to the State. Tierney states that in the army which was conveyed by the Armada there "was a body of seven hundred English exiles, commanded by Sir William Stanley." [2] But when the Armada was off the English coast, it was soon known to Elizabeth and her Council that it would not receive much assistance from the resident Roman Catholics in England. There were various reasons for this. Fear, no doubt, operated in many cases. It was soon seen that it was impossible to resist the patriotic feeling of the nation, devoted to the

[1] Froude's *English Seamen in the Sixteenth Century*, pp. 150, 151, edition 1895.

[2] Tierney's *Dodd's Church History*, vol. iii. p. 27.

protection of the Queen. Then there was a section of Roman Catholics who, though quite willing to engage in a war having for its object the destruction of Protestantism, were not at all favourable to a war which would subject England to a Spanish ruler. They favoured the plot for the perversion to Popery of the young King of Scotland, which at that time seemed very likely to succeed. And as he was the legal heir to Elizabeth, they were quite willing to assist this Scottish plot, which at that time was in progress, to throw a foreign army into Scotland, which would then march into England, dethrone Elizabeth, and place James on the throne. There was a third class of Roman Catholics in England at the time, who were quite willing to receive their religion from Rome, but refused to concede to the Pope the right to interfere with the political government of England. Since the Reformation there has always been a small minority of Roman Catholics opposed to the political pretensions of the Papacy, and these, when the Spanish Armada was expected, rallied to the side of the Queen, and showed themselves willing to fight for her. What they would have done if victory had been granted to the Spaniards is a matter for conjecture. It can hardly be supposed that they would have grieved very much. It has been stated that Lord Howard of Effingham, who was Commander-in-Chief of the Fleet which destroyed the Armada, was a Roman Catholic. But there is no evidence to prove this. Had he been one his name would certainly have appeared in Gillow's *Bibliographical Dictionary of English Catholics*. Its absence from that work may be taken as, in itself, sufficient proof that he was not a member of the Church of Rome. Further, and irrefutable evidence on this point, is contained in the *Monthly Letter of the Protestant Alliance*, for May 1888.

Great efforts were put forth to induce the young King of Scotland to join the Spanish party, and give aid to the Spanish Armada. Maitland, who was then Lord Chancellor of Scotland, was a strong supporter of the Protestant

cause, and used his influence to defeat these efforts. As he stood in the way, the Pope gave authority to have him assassinated. Early in 1589, John Arnold, a Carthusian Prior, wrote to Philip II. about this bloodthirsty business :—

"The Bishop of Cassano [Dr. Lewis], desirous to recover the lost Kingdoms of England and Scotland, sent, about two years ago, at his own cost, to Scotland, a Scotsman, the Bishop of Dunblane, a Monk of the Carthusian Order, to gain over the King or some of the nobles to aid the Spanish Armada. . . . On the evil fate of the Armada being known, his Chancellor [Maitland], who is maintained by English tyranny, and is a pestilent heretic most fatal to his country, dissuaded him, and induced him rather to ally himself with the murderess of his sainted mother. Notwithstanding this, the Bishop [of Cassano] sends me to you, in his name, to say that if you wish to have the King in your power he will deliver him to you, although against the King's own will and that of all his people. But in order to bring this about, *the first thing to do is to kill the Chancellor*, who is so bound up with the Englishwoman [Elizabeth] and is so powerful in Scotland. *The Bishop promises to have this done, although he is a priest,* AS HE HAS HIS HOLINESS' AUTHORITY FOR IT." [1]

For several years after the Armada, the King of Scotland wavered between the Pope and the Protestant cause, waiting, no doubt, to see which would win in Scotland; and anxious, above all, that he should not lose his chance of becoming King of England. The Pope and the King of Spain offered liberal financial and other aid if James would only take their side. His wife (Anne of Denmark) was secretly a Roman Catholic, using all her influence on the side of the Pope and Spain. And the Jesuits were particularly active in stirring up the Roman Catholic nobles of Scotland to take up arms, with a view to crush Protestantism in that country, and afterwards in England.

[1] *Calendar of Spanish State Papers*, vol. iv. p. 542.

Several of these noblemen were really Romanists, though making an outward profession of Protestantism, and attending the services of the Kirk of Scotland. For particulars of these intrigues, I must refer my readers to my *Jesuits in Great Britain*, where will also be found the principal facts relating to various other assassination plots to murder Elizabeth during the remainder of her life. Those who were executed for these attempts at rebellion in England and Scotland were mainly convicted on the evidence of spies, whose testimony must always be received with great caution. But, as a modern Jesuit, the late Rev. H. J. Coleridge, remarks :—

"The words of the apostate spies, so much employed by the Government of Elizabeth and James, who retailed evil concerning the Catholics, and invented where they could not collect any, are sometimes of use in history. For, feigning themselves true children of the Church, they gained access where otherwise they would have been shut out. When truth was convenient they used it, so that by their means information has come down to us, especially in matters of personal history, which, but for them, would often have been lost." [1]

Major Martin Hume, commenting on the various plots to murder Elizabeth, between the failure of the Armada and her death, after asserting that some of them were bogus plots, adds :—

"There were undoubtedly several that were in some degree dangerous and real. They all emanated from the same small group of extremists in Flanders, with the more or less open connivance of the Spanish Ministers there—though probably at this juncture without the aid of Philip himself. The proposed perpetrators were usually some of the wild, reckless swashbucklers, English or Irish, who swaggered, drank, and diced in the Flemish cities. There seems to have been no attempt at concealment. We are told that these plots were regularly discussed at

[1] Coleridge's *Life of Mary Ward*, vol. i. p. 398.

a council table at which sat such men as Stanley, Owen, Jacques Francis (Stanley's Burgundian lieutenant), and even some of the leading Jesuit priests, such as Holt, Sherwood, and Walpole, are said to have given their approval." [1]

[1] Hume's *Treason and Plot*, pp. 100, 101.

CHAPTER XVI

ELIZABETH (*concluded*)

Another Penal Law in England—Parsons tries to prevent King James succeeding to the English Throne—Another Irish Rebellion—The Archbishop of Tuam goes to Spain for help—What he said at the Spanish Court—Pope Clement VIII. sends an Envoy to the Irish Rebels—The Irish Viceroy offers "full freedom and liberty of conscience" to the Romanists—The Pope sends Jesuits to Ireland who help the Rebels—The Rebellion a War for Religion only—Clement VIII.'s Bull blessing the Irish Rebellion—A General sent to the Irish Rebels by the Pope—His Proclamation—Two Popish Universities justify the Rebellion—Defeat of the Rebellion—Its Leaders honoured by the Pope—The Pope's Briefs in favour of a Roman Catholic Successor to Elizabeth—Elizabeth's Treatment of her Roman Catholic Subjects—The Pope angry with four Priests who termed her "Queen"—The Pope did not want Toleration for English Romanists—An English Papist writes against Toleration for Papists.

ONE result of the assassination plots, and the Spanish Armada, was seen in the passing of a new penal law, in 1593. The preamble of the 34 Elizabeth, cap. 2, states the reasons for further repressive measures: "For the better discovering and avoiding of such traitorous and most dangerous conspiracies and attempts, as are daily devised and practised against our most gracious Sovereign, the Queen's Majesty, and the happy estate of this commonweal, by sundry wicked and seditious persons, who, terming themselves Catholics, and being indeed spies and intelligences, not only for her Majesty's foreign enemies, but also for rebellious and traitorous subjects born within her Highness' Realms and dominions, and hiding their most detestable and devilish purposes under a false pretence of religion and conscience, do secretly wander and shift from place to place within this Realm, to corrupt and seduce her Majesty's subjects, and to stir them to sedition and rebellion."

By this Act it was provided that every person above sixteen years of age, born within the Realm, and being a Popish Recusant, shall, within forty days, repair to his place of dwelling, and not at any time pass or remove from it to any place above five miles distant. Every Popish Recusant, convicted of not attending his parish church, shall not remove to any place above five miles from his residence, under penalty of forfeiting all his goods and chattels, together with their rents, during his life. Any person, being a Popish Recusant, "not having any certain place of dwelling and abode" within the Realm, shall "repair to the place where such person was born, or where the father or mother of such person shall then be dwelling, and shall not at any time after remove or pass above five miles from thence," under penalty of losing all his goods and chattels, together with any rents or annuities belonging to him, during his life. It was further provided that all Popish Recusants should notify their names in writing to the Minister or Curate of the parishes in which they resided. Popish Recusants, "not having lands, tenements, rents, or annuities, of the clear yearly value of twenty marks," were more severely dealt with. It was not sufficient to comply with the provisions already cited; but it was further enacted that if any of this class broke the law as to the five miles' limit, then, unless they should conform themselves to the law requiring their attendance at Divine Service in their parish church, they should be required to take an oath to "abjure this Realm of England, and all other her Majesty's dominions for ever, and thereupon depart out of this Realm at such haven or port" as shall have been selected for them. If, however, they refused to make the abjuration, then "in every such case the person so offending shall be adjudged a felon, and shall suffer and lose as in case of felony." "If any person which shall be suspected to be a Jesuit, Seminary, or Massing priest, being examined by any person having lawful authority in that behalf to examine such person which shall be so suspected, shall

refuse to answer directly whether he be a Jesuit or a Seminary or Massing priest," he shall be committed to prison, and kept there until he answers the questions. Provision was made for granting Popish Recusants licences to travel beyond the five miles' limit, if they "shall have necessary occasion or business."

This law was severe, and yet it can scarcely be termed unjust, except as regards its penalties for non-attendance at the parish church services. In this, however, they were no worse off than the Puritans, who were similarly penalised by the Act 34 Elizabeth, cap. 1. The whole object of this Act against Popish Recusants was, as its preamble shows, to put an end to treasonable practices, and to maintain peace in the State, which had been very seriously disturbed by dangerous conspirators. The Act was mildness itself when compared with the laws at the very time being enforced against Protestants by the Spanish Inquisition.

During the remainder of Queen Elizabeth's life, Robert Parsons, the Jesuit, devoted most of his energies to securing a Roman Catholic successor to the Queen. He no longer had any expectation that the legal heir, the King of Scotland, would become a Roman Catholic, nor did he think it judicious for the King of Spain to reign in England, and therefore he set to work with all his might to secure the Throne of England for the Infanta, the daughter of Philip II. In furtherance of this scheme he published, in 1596, under the name of "R. Doleman," his well-known book, entitled *A Conference About the Next Succession to the Throne of England*, in which he very strongly advocated the claims of the Infanta. "I affirm and hold," he wrote, "that for any man to give his help, consent, or assistance towards the making of a King [of England], whom he judgeth or believeth to be faulty in religion, and consequently would advance either no religion, or the wrong, if he were in authority, is a most grievous and damnable sin to him that doeth it." [1] On September 8, 1595, Parsons

[1] Parsons' *Conference*, &c., part i. p. 172, edition 1681.

wrote to a friend on the same subject: "It is enough for a Catholic sober man to have any Prince, admitted by the body of his Realm, *and allowed by the authority of God's Catholic Church*, and that will defend the religion of his old noble ancestors; and without this nothing is sufficient, nor should any reason in this world move us to yield him favour or obedience, though he were our father, son, or brother." [1]

The Court of Rome has ever been the enemy of all Protestant Governments. She may from time to time try to conceal her real sentiments under a mask of friendship, but ever deep down in her heart is a spirit of deadly hatred. This spirit was markedly seen in Ireland during the sixteenth and seventeenth centuries. At about the period we are now considering, her Bishops and priests in Ireland were actively engaged in fomenting rebellion against English rule with the benediction of the Pope, and with the aid of the money and arms of the King of Spain.

In 1593, the titular Archbishop of Tuam (Dr. James O'Hely), arrived in Spain, where he stated that the most powerful chiefs in the North of Ireland had sent him to acquaint the King that they had determined to take up arms against the Queen and the English heretics, and to request his Majesty to send troops and arms to assist them. The Archbishop added that it would be of great importance to the success of the rebellion, if the King were to "write very affectionately to the Earl of Tyrone, whose name is O'Neill, to induce him to enter into the confederacy openly. He already belongs to it secretly." [2] An account of what the Archbishop said while at the Spanish Court was presented to the King of Spain. It stated that: "The Archbishop of Tuam in Ireland says that for years past he has been anxious, and has laboured much both in public and in private, to unite and combine in a League and in friendship the Catholics of Ireland, for the purpose of

[1] Taunton's *History of the Jesuits in England*, p. 150, *note*.
[2] *Calendar of Spanish State Papers*, vol. iv. p. 611.

making them take up arms on behalf of the Catholic faith, and of your Majesty's service against the English heretics. In this he has been successful, for the most powerful Lords of the Catholic party in the northern part of the Kingdom have united and risen against the Queen with great unanimity, and many other Catholics mean to do the like." [1] The Roman Catholic Bishop of Killaloe also wrote to the King of Spain, on September 3, 1593, in support of the Archbishop of Tuam's appeal for arms and soldiers. "I beg you, most mighty King," he pleaded, "by the Blood of Jesus, to enter on this task with a lively faith and courageous mind. By sending this force to Ireland your Majesty will acquire everlasting renown, and a vast and fertile Kingdom." [2]

The Archbishop returned to Ireland, with promises of help from Philip, which, however, were not fulfilled until several years later. On the way home the ship in which the Archbishop sailed was wrecked, and he was drowned. The Pope was also anxious to help the rebels to the utmost of his power. Dr. Renehan states that in 1594, Pope Clement VIII. sent Dr. M'Gauran titular Archbishop of Armagh, as his Envoy to the Irish nation.[3] And O'Sullivan records that: "About this time Edmund M'Gauran, Primate of Ireland, Archbishop of Armagh, was conveyed from Spain by James Fleming, a merchant of Drogheda, bearing a message to the Irish from the King of Spain, to declare war on the Protestants in defence of the Catholic faith, and informing them that he would very speedily send them aid. The Primate going to Maguire, who was already at war, and a man of warlike propensities, had no difficulty in persuading him to continue the struggle on the faith of his Catholic Majesty's assurances, and reliance on his sending assistance." [4] Soon after, in a battle between the troops of Maguire and those of the Queen, Archbishop

[1] *Life of Hugh Roe O'Donnell.* Edited, with Historical Introduction, by the Rev. Denis Murphy, S.J., p. lii. [2] *Ibid.*, p. lii.

[3] Renehan's *Collections on Irish Church History*, p. 18.

[4] O'Sullivan's *History of Catholic Ireland*, p. 70, edition 1903 (Dublin).

M'Gauran was killed on the battle-field. It was not long after his death that Hugh O'Neill, Earl of Tyrone, started the Rebellion with which his name is so closely connected. He was a double-faced hypocrite for years before this, even attending Protestant Church services occasionally, for the purpose of furthering his selfish and ambitious plans. But now, as leader of the Rebellion, he showed himself in his true colours. Philip sent an emissary to Ireland, a Captain Alonso Cobos, with instructions to ascertain what were the prospects of the war. He reported to his master that he arrived in Ireland at the time "when the Irish chiefs had almost concluded peace with the Queen, on terms satisfactory to themselves"; but that they, owing to his persuasions, desisted from making peace, and had decided upon "taking up arms against the Queen of England, and sincerely turning their hearts to God and the King, in whose services as faithful vassals they remain." [1] O'Neill himself admitted, in a letter to Philip, dated May 25, 1596, that "before the arrival of the King's messenger, very favourable offers of peace had been made to them on behalf of the Viceroy, giving to Catholics full freedom and liberty of conscience." [2] But O'Neill was not satisfied with mere freedom and liberty of conscience. What he wanted was absolute supremacy for the Church of Rome, and if that had been secured, after a successful war, I believe almost every Protestant who had not been killed would have been banished out of Ireland. In this year, 1596, letters appealing for help were sent to Philip by the titular Bishops of Raphoe and Killaloe; and the Jesuit Parsons wrote to Idiaquez, on September 2nd, that he thought "this Irish way might be adopted advantageously, with God's blessing." [3] But the patience of the rebels was well-nigh exhausted before Spain sent any substantial assistance. Before it arrived, in response to a petition from O'Neill, the Pope sent a number of Jesuits to

[1] *Calendar of Spanish State Papers*, vol. iv. p. 619.
[2] *Ibid.*, p. 620.
[3] *Ibid.*, p. 634.

Ireland, whose activity was certainly not confined to the spiritual sphere. Prominent amongst these were James Archer, S.J., Henry Fitzsimon, S.J., and a lay Jesuit, named Dominic Collins, who was sent as companion to Archer. These landed in Waterford in October, 1596. But it was not until the autumn of 1599 that two Spanish vessels, bringing not only promises of future help, but also 22,000 gold pieces to pay O'Neill's army, arrived in Ireland. On board one of these vessels was Matthew de Oviedo, titular Archbishop of Dublin, "bringing," says O'Sullivan, "from the Pope Indulgences and remission of sins to all who would take arms against the English in defence of the Faith."[1] It is clear that the war was for religion, and the personal aggrandisement of O'Neill, and only indirectly, and as quite a secondary matter, for the remedying of any merely worldly grievances under which the Irish suffered. In his "Address to the Catholics of the Towns of Ireland," which he signed on November 15, 1599, O'Neill clearly explains the main objects of the Rebellion. "Upon my salvation," he declared, "that chiefly and principally I fight for the Catholic faith," and for "the extirpation of heresy."[2] King, in his *Church History of Ireland*, states that this Address also contained the following statement: "Some Catholics do think themselves bound to obey the Queen as their lawful Prince, which is denied, in respect that she was deprived of all such Kingdoms, dominions, and possessions, which otherwise, perhaps, should have been due unto her, inasmuch as she is left a private person, and no man bound to give her obedience; and beyond all this, such as were sworn to be faithful unto her, were by his Holiness absolved from performance thereof, seeing she is, by a declaration of excommunication, pronounced a heretic; neither is there any revocation of the excommunication, as some Catholics do most falsely, for particular affection, surmise; for the

[1] O'Sullivan's *Catholic History*, p. 130, edition 1903.
[2] Meehan's *Fate and Fortunes of Hugh O'Neill*, p. 22, third edition.

sentence was from the beginning given for heresy, and for continued heresy the same was continued." Meehan, who professes to give the whole of O'Neill's Address, omits this section, without any explanation. O'Neill's object was the "extirpation of heresy" by the sword, not by preaching or books, and that was the same as the extirpation of *heretics*.

To aid on the Rebellion, Pope Clement VIII., on April 18, 1600, issued a Bull, addressed to "the Archbishops, Bishops, and Prelates; also to our beloved children, the Princes, Earls, Barons, and people of the Kingdom of Ireland." He tells them that:—

"Whereas we have learned, that *in pursuance of exhortations addressed to you* this some while past, by the *Popes of Rome*, our predecessors, and by ourselves and the Apostolic See, for the recovery of your liberty, and the defence and preservation of the same against the attacks of heretics, you have with united hearts and efforts, followed, and supplied with aid and assistance, first, James Geraldine of worthy memory . . . after that John Geraldine, kinsman of the said James; and most recently our beloved son, the noble Lord Hugh, Prince O'Neill, styled Earl Tyrone, Baron of Dungannon, and Captain General of the Catholic army in Ireland. And, whereas, further, the Generals themselves and their soldiers have in progress of time, the hand of the Lord of Hosts assisting them, achieved very many noble exploits in valiant combat with the enemy, and are still ready for the like hereafter:

"We, therefore (to encourage you, and the General and soldiers aforesaid, to exert yourselves with the more alacrity for the time to come also, in giving your existence to this expedition against the heretics aforesaid), having a desire to confer upon you spiritual graces and favours, after the example set us by our predecessors aforesaid, and in dependence on the mercy of Almighty God, and the authority of Blessed Peter and Paul, His Apostles, do mercifully grant in the Lord to you all and singular (if truly penitent and confessing, and likewise refreshed, if it be possible, with the Holy Communion) who shall follow the said General Hugh and his army, the champions and asserters of the Catholic faith, and who shall join yourselves to their

[1] King's *Church History of Ireland*, vol. ii. pp. 830, 831. See also Phelan's *Policy of the Church of Rome in Ireland*, p. 234, third edition.

number, or give them help in this expedition by your counsel, countenance, military stores, arms, and other implements of war, or in any mode whatsoever; and also to the said General Hugh and the soldiers of his army, all and singular, a plenary indulgence and remission of all their sins, and the same privileges as have been usually conceded by the Popes of Rome to those who set out for the war against the Turks, and for the recovery of the Holy Land." [1]

Cardinal Moran states that "amongst the Royal presents which the Irish chieftain [O'Neill] received . . . is specially mentioned the gift by his Holiness of a costly Crown, adorned with a rich plumage of phœnix feathers." [2]

On September 23, 1601, Don Juan de Aquila, General of the Army sent by the King of Spain to aid the Irish rebels, landed at Kinsale with his troops. Any one who reads the concluding portion of the fourth volume of Mr. Martin Hume's *Calendar of Spanish State Papers* will find abundant evidence that he was sent, with the blessing of the Pope, to make Philip III. of Spain, King of Ireland. Soon after his arrival Aquila issued a proclamation, stating that he had come to Ireland to enforce the Deposing Bulls of the Popes.

"But ye know full well," he said, "that many years since, Elizabeth was deprived of her Kingdom, and all her subjects absolved from their fidelity by the Pope, unto whom He that reigneth in the Heavens, the King of Kings, hath committed all power, that he should root up, destroy, plant, and build in such sort, that he may punish temporal Kings (if it shall be good for the temporal building), even to their deposing, which thing hath been done in the Kingdoms of England and Ireland, by many Popes, viz. by Pius V., Gregory XIII., and now by Clement VIII., as it is well known. Which Bulls are extant amongst us. I speak to Catholics, not to froward heretics, who have fallen from the faith of the Roman Church, seeing they are blind leaders of the blind, and such as know not the grounds of

[1] King's *Church History of Ireland*, vol. iii. pp. 1286, 1287.

[2] *De Regno Hiberniæ*, edited by Cardinal Moran, p. xii. (Dublin, 1868).

the truth, it is no marvel that they do also disagree from us in this thing; but our brethren the Catholics, walking in the pureness of the faith, and yielding to the Catholic Church (which is the very pillar of the truth) will easily understand all those things. Therefore it remaineth that the Irish, which adhere to us, do work with us nothing that is against God's laws, or their due obedience, nay that which they do is according to God's word, and the obedience which they owe to the Pope. . . .

"Therefore, my most beloved, seeing that which you have for so many years before desired and begged for, with prayers and tears; and that now, even now, *the Pope, Christ's Vicar on earth, doth command you to take arms* for the defence of your faith, I admonish, exhort, and beseech you all; all, I say, unto whom these letters shall come, that as soon as possibly you can, you come to us, with your friends and weapons. Whosoever shall do this shall find us prepared, and we will communicate unto them those things which we possess. And whosoever shall (despising our wholesome counsel) do otherwise, and remain in the obedience of the English, we will persecute him as an heretic, and a hateful enemy of the Church even unto death." [1]

The Roman Catholic Universities of Salamanca and Valladolid were appealed to by the Irish rebels, to give an opinion as to the lawfulness of their war against Elizabeth. It need scarcely be added that that opinion was favourable to the rebels. "It is," they said, "beyond doubt that any Catholics may give their countenance to the said Prince, Hugh O'Neill, in the war aforesaid, and that with great merit and fullest hope of an eternal recompense. For as the aforesaid Prince *makes war by authority of the Supreme Pontiff*, in defence of the Catholic religion, and the Pontiff, in his letter, exhorts him and all the faithful servants of Christ to adopt that course, as is evident from his letter; and confers many graces on those who give

[1] *Pacata Hibernia*, pp. 201, 202, edition 1633.

their countenance to the Prince in that war, as though they were engaged in war against the Turks, no person can reasonably doubt but that the war engaged in is a just one, and that to fight for the defence of the Catholic religion, the greatest of all blessings, is a proceeding highly meritorious in its character. As touching the second question also, it is quite certain, that all those Catholics are guilty of mortal sin who follow the camp of the English against the said Prince ; and that *they cannot obtain eternal salvation, nor be absolved of their sins by any priest, unless they first repent and desert from the camp of the English.* And the same sentence must be passed on those who support the English with aid of arms or provisions in that war." [1]

O'Neill and his Spanish helpers gained several victories over the English. The news of these successes greatly cheered Pope Clement VIII., who, on January 20, 1601, addressed to O'Neill a letter of hearty congratulation, praising him and his helpers for their courage in carrying on the war against the Protestant heretics. "And when there shall be occasion," wrote the Pope, "we will write effective letters to the Catholic Kings and Princes, our children, that they support you and your cause with all the aid in their power." [2] But all in vain were the Papal blessings and promises. Disaster after disaster befell the rebels, until at last, early in 1603, Hugh O'Neill, Earl of Tyrone, gave up the contest, and, after an interval, fled to the Continent. Eventually he arrived in Rome, where a right Royal welcome was given him by the Pope. "Rome was then," says Father Meehan, "crowded with distinguished strangers from all parts of the world, each vieing with the other to secure fitting places to witness the grand ceremonial [of Canonisation]. But, of them all, none were so honoured as O'Neill, O'Donnell, their ladies, and retinue. By the Pope's orders, tribunes were especially erected for them right under the dome. This, indeed,

[1] King's *Church History of Ireland*, vol. iii. pp. 1301–1305.
[2] *Ibid.*, vol. iii. pp. 1289–1291.

was a signal mark of his Holiness' respect for his guests, greater than which he could not exhibit." [1]

Towards the close of Elizabeth's life, the selection of her successor to the Throne was a matter of anxious consideration, not only to the English Jesuits and other English Romanists, but to the Pope also. The Pope took active steps to secure a Roman Catholic successor. He issued two Briefs, both dated July 6, 1600, and addressed one to the English Roman Catholic laity, and the other to the English priests, as also a letter to the Nuncio in Flanders. The contents of these Briefs were thus described by the Jesuit, Henry Garnet, in his voluntary confession, dated March 13, 1605. "One of the Briefs," he said, "was to all lay Catholics, the other to all the clergy. The effect of both was that none should consent to any successor (being never so near in blood) except he were not only such as would give toleration to Catholics, but also would with all his might set forward the Catholic religion; and, according to the custom of other Catholic Princes, submit himself to the See Apostolical. The effect of the letter to the Nuncio was that he should be very vigilant, and when he heard the Queen to be dead, he should in the Pope's name intimate this commandment to all the Catholics in England." [2] It is noteworthy that one of the chief of the Gunpowder conspirators used these very Briefs as a justification of the Plot they hatched. We know this on the testimony of Garnet, who, in his examination of March 14, 1606, signed by his own hand, said :—

"He confesseth that about midsummer was twelvemonth, Catesby and Winter, or Catesby alone, came to him at White Webbs, and told this examinate that there was a plot in hand for the Catholic cause against the King and the State, which would work good effect. From the which when this examinate (as he saith) dissuaded him, Catesby said that he was sure it was lawful; and used this argu-

[1] Meehan's *Fate and Fortunes of the Earls of Tyrone and Tyrconnel*, p. 170, third edition.

[2] Jardine's *Narrative of the Gunpowder Plot*, p. 339.

ment, 'That it being lawful by the force of the said Briefs of the Pope to have kept the King out, it was as lawful now to put him out.'" [1]

Throughout the greater portion of Elizabeth's reign, and down to her death, the Popes and the Jesuits had done all in their power to deprive her of her Crown. Their attitude compelled her to adopt severe measures to prevent them succeeding in their plots. Liberty of conscience, as understood in our own time, was unknown; yet the wonder is that she was not more severe. Her treatment of the Romanists was mildness itself when compared with the treatment at that time meted out to Protestants by Roman Catholic Sovereigns. All through her reign she showed no thirst for blood, as her sister Mary had done. She was even anxious to spare the death penalty whenever a priest, or Roman Catholic layman, gave unequivocal proof of his loyalty to the Throne apart from religion. The administration of her penal laws was frequently milder than the laws themselves. All through her reign, Popes and Jesuits never made the slightest attempt towards a mutual understanding. Every olive branch held out by Elizabeth and her Government was contemptuously and defiantly rejected by Rome's emissaries. It came at last to this pass—that neither Pope nor Jesuits wished for toleration or liberty of conscience for their co-religionists. Toleration was the very thing they dreaded. No wonder, therefore, that they did not get it. Towards the close of Elizabeth's reign, several secular priests endeavoured to secure toleration on the basis of loyalty to the Queen in temporals. These efforts were encouraged by the Government; but, unfortunately, their numbers were too small to justify them claiming to be the representatives of the majority of English Roman Catholics. When four of these secular priests went to Rome on a mission to the Pope, in 1602, one of them, Father Mush, in his Diary, tells us that the Pope "was offended that we named her Queen whom the

[1] Jardine's *Narrative of the Gunpowder Plot*, p. 341.

See Apostolic had deposed and excommunicated." [1] The Pope, says Mush, also told them that, "for a toleration or liberty of conscience in England, it would do harm and make Catholics become heretics; that persecution was profitable to the Church, and therefore not to be so much laboured for to be averted or stayed by toleration." [2]

What the English Jesuits thought of toleration to the English Romanists, may be understood by the perusal of a letter written on February 2, 1598, by Henry Tichborne, S.J., and addressed to Thomas Darbyshire, S.J. Referring to a proposed alteration of English laws so as to favour liberty and toleration to Romanists, he declared that "this means was so dangerous that what rigour of laws could not compass in so many years, this liberty and lenity will effectuate in twenty days, to wit, the disfurnishing of the seminaries, the disanimating of men to come and others to return, the expulsion of the Society [of Jesus], a confusion as in Germany, extinction of zeal and fervour, a disanimation of Princes from the hot pursuit of the enterprise. . . . This discourse of liberty is but an invention of busy heads, and neither for to be allowed, nor accepted if it might be procured." [3]

[1] *The Arch-priest Controversy*, vol. ii. p. 6. [2] *Ibid.*, p. 6.
[3] Law's *Jesuits and Seculars*, pp. 141, 142.

CHAPTER XVII

JAMES I.

Hope of the Romanists on James' Accession—James deceives the Romanists—The Plot of Father William Watson—Watson infamously Betrayed by the Jesuits—A Plot to secure Armed Assistance from Spain—What Guy Fawkes revealed about it—Father Garnet, S.J., knew about the Plot—Father Creswell, S.J., supports it enthusiastically—James I. gives reasons for banishing Jesuits—Improved Condition of Romanists under King James—An Act against Jesuits, Seminary Priests, and Romanists—The Penal Laws not generally enforced—The Papists provoke the King to Severity—The Gunpowder Plot—The Lay Conspirators were Spiritual Children of the Jesuits—Father Strange, S.J., on Lawfulness of killing the King—Father Oldcorne, S.J., said the Plot was "Commendable and Good"—Father John Gerard, S.J., and the Plot—Father Henry Garnet, S.J., and the Gunpowder Plot—Garnet's Acknowledgments of Guilt.

With the accession of James I. to the Throne of England, the hopes of the Roman Catholics revived. While in Scotland he had shown himself willing to do many things in favour of the Romanists rather than risk his Crown. But all through his reign in Scotland his dearest ambition was to ascend the Throne of England on the death of Elizabeth, and, for the sake of that, he was quite willing to sacrifice principle for profit. He thought it to his interests to have the Romanists of England on his side, and to gain their support I have no doubt he privately made promises of toleration to them which he never meant to keep. His real sentiments on this subject are clearly revealed in the letter which, in 1600, he addressed to one of his Scottish subjects, Lord Hambleton, who was at the time on a visit to England. He urged him to assure all whom he met that, when he became King of England, he was determined "not only to maintain and continue the profession of the Gospel there, but withal not suffer or permit any other

religion to be professed and avowed within the bounds of that Kingdom." [1] One of those who were deceived by James' promise of toleration to Romanists was William Watson, the well-known Secular priest, and a prominent enemy of the Jesuits, whose disloyalty to the Throne he was never tired of denouncing. He was arrested on a charge of High Treason, having conspired with others to secure the person of the King, intending to keep him in custody until he promised to grant toleration to the Romanists. It was a very foolish plot, which never had a serious prospect of success. But it was very dastardly of the Jesuits to be the first to reveal it to the Government, because they did not make it known out of any love for James, or through any loyalty to his Throne, but for the sole purpose of having their revenge on their old enemy Watson. Father Gerard, who was implicated in the Gunpowder Plot, but made his escape to the Continent, frankly admitted (what under ordinary circumstances would have been to the credit of their loyalty) that the plot of Watson was revealed to him for the purpose of obtaining his advice, and that he, to prevent its success, made it known to Father Garnet, the Arch-priest Blackwell, and to a gentleman in the Royal Court.[2] Brother Foley, S.J., says that Garnet "immediately took steps to make it known." [3] The hypocrisy of this Jesuit pretence at loyalty is ably exposed by Father Taunton, who writes: "Poor William Watson was betrayed by the man [Garnet] who, two years after, would not betray his friend Catesby; and the virulent opponent of the Jesuits expiated his treason on the scaffold. To put this matter of Watson's fate in its true light, we must remember that almost at the very time Garnet informed against Watson, the Jesuits were participating in Wright's and Fawkes' attempt to induce Philip to invade England." [4] With regard to this

[1] Strype's *Annals of the Reformation*, vol. iv. p. 499, edition 1824.

[2] *The Condition of Catholics under James I.*, edited by John Morris, S.J., p. 74.

[3] Foley's *Records of the English Province, S.J.*, vol. iv. p. 60, *note*.

[4] Taunton's *History of the Jesuits in England*, p. 284.

last-named attempt, which, strictly speaking, comes under the reign of Elizabeth, Guy Fawkes, in his examination on November 25, 1605, confessed "that Thomas Winter told him that, the year before the late Queen died, he was sent by Catesby and others into Spain, with a certain Jesuit named Tesimond, but commonly called Greenwell, in order to propose to the Spanish King to send an army to Milford Haven; at which time the Catholics were endeavouring to collect 2000 or 1500 horse to join with the Spanish army. That the King of Spain promised to place 100,000 crowns at their disposal." [1]

Further light is thrown on this plot to secure the armed assistance of Spain, for the purpose of placing a Roman Catholic on the Throne, by a further confession of Guy Fawkes, on November 30, 1605, and by a declaration made and signed by Garnet on March 23, 1606. We therein see how extensively the Jesuits were helping on this political scheme. Fawkes said:—

"Father Baldwin [a Jesuit] told this examinate that about 2000 horses would be provided by the Catholics of England, to join with the Spanish forces (horses being, of all other things, those necessaries that the Spanish force should stand in greatest need); and wished this examinate to intimate so much to Father Creswell [a Jesuit], which this examinate did; and saith that Father Baldwin did write to Father Creswell; which letter this examinate delivered. He saith that one Anthony Chambers, dwelling at Brussels, and Chaplain to the Archduke, told him that there was a catalogue made of the names of such Catholics as would assist in the business. He saith, moreover, that Creswell told him that Christopher Wright was come upon the same business; and also that Creswell wished to inform the King of Spain with the matter, which was done; and that he was then sent to the Duke of Lerma, to signify his message to him; and saith that, when he left Spain, he had letters of commendation from Creswell to the Mar-

[1] *Criminal Trials*, vol. ii.: "The Gunpowder Plot," pp. 138, 139.

quess Spinola ; and that, after he had remained two months at Brussels, he returned into England with Thomas Winter." [1]

That Garnet knew about these visits to Spain was acknowledged by himself in his declaration dated March 23, 1606. He wrote :—

" As I remember, the first motion of the matter of Spain was between Christmas and Candlemass, the year before the Queen died ; and the parties named before, that is, Catesby and Francis Tresham, came some twice or thrice to me about the matter. . . . He [Tresham] was also with me at White Webbs once or twice in the time of the late Queen, about a year before her decease ; when he, Catesby, and Winter, dealt with me about the sending into Spain ; and I wrote of the business by another way, as usually I did, to Father Creswell." [2]

On his trial, also, Garnet admitted his knowledge of the traitorous mission to Spain, though he vainly tried to wriggle out of any personal responsibility. " The negotiation into Spain," he said, " was indeed propounded unto me, and I was also acquainted with the negotiation for money, but ever intended that it should be bestowed for the relief of poor Catholics. But when they were there, they moved for an army ; which, when they afterwards acquainted me withal, I misliked it, and said it would be much disliked at Rome : only I must needs confess I did conceal it after the example of Christ, who commands us, when our brother offends, to reprove him, for if he do amend we have gained him.[3] Yet I must needs confess that the laws against such concealing are very good and just." [4]

Garnet's plea that he thought, at first, that the proposed emissaries to Spain were simply going to beg alms for poor Roman Catholics in England, will not hold water. As Father Taunton remarks : " In the face of the fact that the envoys, one of them, too, a Jesuit and subject to

[1] Tierney's *Dodd's Church History*, vol. iv. p. liv.
[2] *Ibid.*, p. liii.
[3] But why did he not act so in the case of William Watson ?
[4] *State Trials*, vol. i. p. 250, edition 1730.

Garnet, did come to an arrangement with Philip, it is difficult to see how the letter of credit could have been in reality so inoffensive as Garnet pleads." [1]

When the English emissaries arrived in Spain, they found in Father Creswell an enthusiastic and energetic friend. He did everything in his power to secure the success of their mission. As far back as 1588, he had given active assistance to the Spanish Armada. On September 12, 1596, he wrote to the King of Spain: "My Superiors having sent me from Rome to Flanders at the instance of Cardinal Allen and Count de Olivares, to serve the Duke of Parma in the English undertaking in 1588, his Highness ordered me to write out the edict that was then printed in English. . . . I find myself, by His Divine grace, so free from personal or national bias in the matter [of another proposed attack on England] that, if I heard that the entire destruction of England was for the greater glory of God and the welfare of Christianity, I should be glad of its being done." [2]

Creswell lost no time in bringing the requests of the English emissaries before the King of Spain, who referred the matter to his Council of State. What those requests were is seen in a report of the Council to Philip III., dated December 5, 1602.

"In accordance with your Majesty's orders, the Council has considered the papers sent by Father Creswell on the 29th November. He points out the great age of the Queen of England, and the advisability of your Majesty taking the country before a male heir with new connections and friends succeeds. He recommends that as many galleys as possible should be sent to Flanders, to transport all the troops that can be got together to England when the Queen dies, so that your Majesty will be ready to succour the Catholics. He recommends that stores, &c., should at once be collected, under cover of a war with the Turk,

[1] Taunton's *History of the Jesuits in England*, p. 278.
[2] *Calendar of Spanish State Papers*, vol. iv. pp. 635, 636.

and that the Spanish fleet should be mustered in Italy, foreign ships being freighted. He says as there are many claimants to the Crown [of England], with varying chances, and the question should be well deliberated in time in all its bearings, and the eligibility of the various candidates considered; so that in any eventuality the Catholics may know whom to support." [1]

In thus urging the King of Spain to nominate a Roman Catholic successor to the Throne when Elizabeth should die, Creswell was but endeavouring to carry out the Papal Briefs of 1600.[2] After a prolonged consideration the Spanish Council of State forwarded, on February 1, 1603, a very long report on the succession, from which I give the subjoined extracts :—

"The Council had before it letters and advices received by Father Creswell from the persons through whom he corresponds with the English Catholics, begging him to urge your Majesty to arrive at a decision in the matter, and either to make due preparations for aiding them in the event of the Queen's death, which may happen at any hour, or to relieve them from their pledge to take up the cause of the Infanta, or other nominee of your Majesty. . . .

"On no account will it be advisable for your Majesty to abandon the cause of the Catholics, which you have upheld for so many years, at such heavy cost to your Royal patrimony and to the Spanish nation. The perseverance of the English Catholics in the faith has deserved the help which has fittingly come from one so devout as your Majesty. The Council is, therefore, of opinion that they should be informed that, as your Majesty's main object is, and always has been, to bring England to submit to the Apostolic See, and regain its ancient standing and prosperity, your Majesty does not regard your own interests or those of your kin; and although at the request of the

[1] *Calendar of Spanish State Papers*, vol. iv. p. 717.
[2] See *supra*, p. 254.

English Catholics your Majesty had at first approved of the nomination of the Infanta, you are willing, if they think it better for the end in view, for them to propose a person from amongst themselves, being a Catholic, and possessing the necessary parts, your Majesty will cede your rights to him on fair terms of reciprocity, and will aid him with all your forces to obtain and hold the Crown of England against all pretenders. For this purpose your Majesty will at once begin to make preparations; and in due time will exert your influence with his Holiness to induce him to aid so holy a cause." [1]

The death of Queen Elizabeth, soon after this Council was held, and the unopposed accession of James, brought this Jesuit conspiracy to an end. It was the discovery of this conspiracy which led James to issue his proclamation, on February 22, 1604, ordering all Jesuits, Seminary and other priests to leave the Realm. Father Tierney says that it "was professedly issued in consequence of the late conspiracy" with Spain.[2] And certainly the reasons given by the King for issuing this proclamation were very strong.

"Yet doubt we not," he said, "but that, when it shall be considered with indifferent judgment, what causes have moved us to use this providence against the said Jesuits, Seminaries, and priests, all men will justify us therein. For to whom is it unknown, into what peril our person was like to be drawn, and our Realm into confusion, not many months since, by a conspiracy first conceived by persons of that sort, who, having prevailed with some, had undertaken to draw multitudes of others to assist the same, by the authority of their persuasions and motives, grounded chiefly upon matters of conscience and religion? —which when other Princes shall duly observe, we assure ourselves they will in no way conceive that this alteration groweth from any change of disposition, now more

[1] *Calendar of Spanish State Papers*, vol. iv. pp. 720, 722.
[2] Tierney's *Dodd's Church History*, vol. iv. p. 9.

exasperate than heretofore, but out of necessary providence, to prevent perils otherwise inevitable; considering that their absolute submission to foreign jurisdiction, at their first taking of orders, doth leave so conditional an authority to Kings over their subjects, as the same power, by which they were made, may dispense at pleasure with the straitest band of loyalty and love between a King and his people." [1]

It would be folly to deny that James held views as to religious toleration differing from those held by twentieth-century Protestants. Yet they were far more tolerant than those advocated by the Church of Rome, either in his own day or ours. In this proclamation he reminds his subjects that at his coronation he had granted a general pardon for all offences against the laws perpetrated during Elizabeth's reign, "which pardon many of the said priests have procured under the Great Seal." Father Joseph Berington, writing at the close of the eighteenth century, after citing a protestation of civil allegiance signed by fourteen priests, on January 31, 1602, proceeds to remark that:—

"Had the Catholics in a body, on the accession of King James, waited on him with the Protestation of Allegiance, I have just stated, as containing their true and loyal sentiments, we should, probably, have heard no more of recusancy or penal prosecution. His good will to the professors of that religion, from the earliest impressions, was deeply marked on his heart; he could look, he had reason to think, for political support from them, if the exigencies of events might require it; but in the creed of the majority, at least of the majority of their ministers, he knew there was a principle admitted, that of the Papal prerogative over the Crowns of Princes, which could ill accord, truly, with the exalted opinion he himself entertained of Royal dignity and independence. . . . This rooted opinion of James, thus strongly expressed, is the clue that unfolds some transactions of his reign, and

[1] Tierney's *Dodd's Church History*, vol. iv. p. lix.

particularly accounts for many acts of severity against a society of men whom naturally he loved." [1]

Ranke asserts that the Roman Catholics "found themselves far better off under James than they had been under Elizabeth. Far greater scope was allowed to the local influence of Catholic magnates in protecting their co-religionists. The Penal Laws, which as regards pecuniary payments were virtually abolished, were, moreover, no longer vigorously enforced in any other respect. Not only were the Chapels of the Catholic Ambassadors in the Capital numerously attended, but in some provinces, especially in Wales, Catholic sermons were known to be delivered in the open air, and attended by thousands of hearers." [2] Ranke's remarks apply to the reign of James I. until the discovery of the Spanish Treasons.

The opinions of King James as to the right attitude to adopt towards his Roman Catholic subjects, were, soon after his proclamation, just referred to, explained in his speech at the opening of Parliament, on March 19, 1604. He drew a distinction between the Roman Catholic laity and their priests. As to the laity there were, he said, two classes; one class consisting of "quiet and well-minded men, peaceable subjects," of whom he said: "I would be sorry to punish their bodies for the error of their minds, the reformation whereof must only come of God, and the true spirit." Of the other class of the laity, and of the priests, the King said:—

"But the other rank of laics, who, either through curiosity, affectation of novelty, or discontentment in their private humours, have changed their coats, only to be factious stirrers of sedition, and perturbers of the commonwealth; their backwardness in religion giveth a ground to me, the magistrate, to take the better heed to their proceedings, and to correct their obstinacy. But for the part of the clerics, I must directly say and affirm, that as long as they maintain one special point of their doctrine, and another point of their practice, they are no way sufferable

[1] Berington's *Memoirs of Panzani*, pp. 73, 74.
[2] Ranke's *History of England*, vol. i. p. 405.

to remain in this Kingdom. Their point of doctrine is that arrogant and ambitious supremacy of their head, the Pope; whereby he not only claims to be spiritual head of all Christians, but also to have an Imperial civil power over all Kings and Emperors; dethroning and decrowning Princes with his foot, as pleaseth him, and dispensing and disposing of all Kingdoms and Empires at his appetite. The other point which they observe in continual practice, is the assassinations and murders of Kings; thinking it no sin, but rather a matter of salvation, to do all acts of rebellion and hostility against their natural Sovereign Lord, if he be once cursed, his subjects discharged of their fidelity, and his Kingdom given a prey by that three-crowned Monarch, or rather monster, their head." [1]

To the Jesuit conspiracy with Spain may be attributed, not only the banishing proclamation of James, but also the "Act for the due execution of the Statutes against Jesuits, Seminary priests, and Recusants" (2 James I., cap. 4.), passed by the Parliament which commenced its sittings on March 19, 1604. By this Act it was provided that all the laws against Jesuits, priests, and recusants, passed in the Reign of Queen Elizabeth, "shall be put in due and exact execution." Any recusant, however, who "shall submit or reform him or herself, and become obedient to the laws and ordinances of the Church of England," shall be free from all the penalties to which they had made themselves liable. If any recusant should die, then, if his heir should not be a recusant, the said heir shall be free from all penalties and charges incurred by the man whose heir he was. If the heir of any recusant shall be within the age of sixteen at the time of his ancestor's death, and afterwards became a recusant, he shall be liable for the penalties incurred by his ancestor. By Section 6 it was provided that if any person shall send any child, "or other person under their government," out of the country, "to the intent to enter into, or to be resident in any College, Seminary, or house of Jesuits, priests, or any other Popish Order," there to be instructed in the Popish religion, he shall forfeit for each offence the sum of £100.

[1] Cobbett's *Parliamentary History*, vol. i. p. 983.

Every person so sent abroad shall "be disabled, and made incapable to inherit, purchase, take, have or enjoy any manors, lands, tenements, annuities, or profits within the Realm of England, or any other of his Majesty's dominions." It was further enacted that if any person born within his Majesty's dominions, being at that time beyond the seas in any College, Seminary, or place, for the purpose of being instructed in the Popish religion, should not return to England within one year, and submit himself, he shall, in respect of himself only, and not in respect of any of his heirs or posterity, be utterly disabled, and incapable to inherit within his Majesty's dominions. But if he should "become conformable and obedient to the laws of the Church of England, and shall repair to Church"; then, for so long as he continued in such conformity and obedience, he "shall be freed and discharged of all and every such disability and incapacity as is before mentioned."

James was not at all anxious to enforce either his proclamation against the Jesuits or priests, or the Act of Parliament just cited. Writing after both these events (the exact date is not given by Foley, who prints the letter) Father Rivers stated that: "Since the time limited in the late proclamation expired (March 19, 1604), little hath been yet done against priests or Papists, and I think very few or none departed upon the same, nor any certainty is yet known when the priests in prison shall be sent to exile. You heard by your brother Richard what Cecil gave out of the Bishop of London's words and intentions against Jesuits. I am well assured the Bishop denieth all, saying that however those courses were approved in Walsingham's time, yet now he disliked them altogether, viz. to drive men to impatience, and to draw men into danger; and being asked what he would do by virtue of the proclamation, he said that it was principally procured by the late Archbishop of Canterbury, who should have provided that it might have been executed; now, he being dead, it was yet uncertain what course therein should be

taken."[1] As to the Act against the Jesuits and priests, James told the French Ambassador in July, 1604, that he had no present intention of putting the Act in force, but that he wished to have the power of repression if any necessity should arise. As an assurance of the sincerity of his intentions, he remitted to the sixteen gentlemen who were liable to the £20 fine, the whole sum which had fallen due since the Queen's death, as a guarantee that he would never call upon them for arrears.[2]

And here I think I may cite the opinion of a Professor in Washington University, who has made a careful and impartial study of the treatment of Roman Catholics at this period from MS., as well as printed, sources. He states that: "Whatever James said, they [Romanists] knew well that there had rarely been a year, since the accession of Elizabeth, when so few men had been detained in prison, when so few fines had been collected (many, however, were imposed), and when so little attempt had been made to check the performance of the ordinary rites of their religion. At various times, the judges or Bishops had indeed been ordered to inquire diligently into the number of recusants, and to return the number indicted; but, as comparatively few convictions had resulted, the whole proceeding was regarded more as a census of recusants than as a really vigorous attempt to enforce the law. The degree of enforcement is an academic question, whose solution, one way or the other, will not alter the fact that the Penal Laws hampered Catholic movements very little in the early days of James I. Both clergy and laity proceeded with their plots and plans, their meetings and discussions, their appeals to Rome and their intestinal quarrels, precisely as if no laws existed at all. After all, the substance of toleration was more valuable than the name"[3]

[1] Foley's *Records of the English Province, S.J.*, vol. i. p. 60.

[2] Gardiner's *History of England*, vol. i. p. 203, edition 1887.

[3] *The Reconstruction of the English Church*, by Roland G. Usher, Ph.D., Instructor in History, Washington University, vol. ii. pp. 92, 93 (London and New York, 1910).

It seems as though the English Roman Catholic leaders at this period were blinded with folly. Instead of meeting James' friendly spirit with gratitude, they determined to provoke him to the uttermost. The conspiracy with Spain had scarcely ended, before they were again brewing mischief for themselves and followers, as well as for the King and his Parliament. The Gunpowder Plot need not be here described at any great length, but it may be well to emphasise the part taken in it by the Jesuits. All the lay conspirators, whose guilt is not denied by modern Romanists, were spiritual children of the Jesuits. Father John Gerard, who was himself implicated in the plot, gives a very flattering account of the religious condition of most of the conspirators. Robert Catesby was the first to plan the Gunpowder Plot, and if ever villain deserved to die, he was the man. Yet Gerard, who knew him well, tells us that "he was a continual means of helping others to often frequentation of the Sacraments, to which end he kept and maintained priests in several places. And for himself he duly received the Blessed Sacrament every Sunday and Festival Day. . . . So that it might plainly appear he had the fear of God joined with an earnest desire to serve Him." [1] Catesby was a penitent of Father "Greenway," a Jesuit, whose real name was Tesimond.[2]

What was the religious character of the notorious Guy Fawkes himself? This same Father Tesimond, who knew him personally, testifies that he was "a man of great piety, of exemplary temperance, of mild and cheerful demeanour, an enemy of broils and disputes, a faithful friend, and remarkable for his punctual attendance upon religious observances." [3] Father Gerard tells of Guy Fawkes that "at his apprehension, he had a shirt of hair found upon his back." [4]

[1] *The Condition of Catholics under James I.*, edited by John Morris, S.J., pp. 56, 57.

[2] *The Life of a Conspirator*, by one of his Descendants, p. 203 (London, 1895).

[3] Jardine's *Narrative of the Gunpowder Plot*, p. 38.

[4] *The Condition of Catholics under James I.*, p. 117.

Thomas Percy, another plotter, whose guilt is not denied by any Roman Catholic, was, says Father Gerard, one who by "often frequentation of the Sacraments" came "to live a very staid and sober life, and for a year or two before his death kept a priest continually in the country to do good unto his family and neighbours." [1]

Thomas Winter, relates the same Father Gerard, "was very devout and zealous in his faith, and careful to come often to the Sacraments." [2]

John Wright, the same Jesuit authority declares, "grew to be staid and of good, sober carriage after he was a Catholic, and kept house in Lincolnshire, where he had priests come often, both for his spiritual comfort and their own in corporal helps." [3]

Christopher Wright, another conspirator, was, says Father Gerard, "a zealous Catholic, and trusty and secret in any business as could be wished, in respect whereof they (the other conspirators) esteemed him very fit to be of their company, and so caused him to take the oaths of secrecy, and he received the Blessed Sacrament thereupon (as they had also done) and so admitted him." [4]

Robert Winter "was also an earnest Catholic." [5]

Of other conspirators, we are informed by Father Gerard that Ambrose Rookewood "was brought up in Catholic religion from his infancy, and was ever very devout," and that "he was known to be of great virtue." [6]

John Grant must have been a very pious Roman Catholic, for he kept "a priest in his house, which he did with great fruit unto his neighbours and comfort to himself." [7]

Of Robert Keys, it is recorded, by the same Jesuit priest, that "he had great measure" of "virtue." [8]

Sir Everard Digby was also put to death as one of the conspirators, and no modern Jesuit attempts to deny that he was guilty. Of Digby and his wife, Father Gerard

[1] *The Condition of Catholics under James I.*, p. 58.
[2] *Ibid.*, p. 59. [3] *Ibid.*, p. 59. [4] *Ibid.*, p. 70. [5] *Ibid.*, p. 71.
[6] *Ibid.*, pp. 85, 86. [7] *Ibid.*, p. 87. [8] *Ibid.*, p. 87.

writes: "Certainly they were a favoured pair. Both gave themselves wholly to God's service, and the husband afterwards *sacrificed* all his property, his liberty—nay, even his *life, for God's Church.*" [1]

I should think it would have been more accurate to have said, not that Digby "sacrificed" his "life for God's Church," but that he sacrificed it in a wicked attempt to commit wholesale murder. This Jesuit further relates that Digby "used his prayers daily, both mental and vocal, and daily and diligent examination of his conscience: the Sacraments he frequented devoutly every week." [2] And, further, Gerard declares of Digby: "He was a most devoted friend to me, just as if he had been my twin-brother." [3]

Now here we have the religious character of *eleven* out of *thirteen* Gunpowder Plot conspirators, executed for their crimes, and of whose guilt there is no question. The Jesuit priests and Jesuit Lay Brothers implicated in the plot are not included amongst the thirteen. All of these eleven were then, as we learn solely on Jesuit authority, what is now termed "good Catholics," who attended regularly to their religious duties. All we can say now about the quality of their religion is that, if they were "good Catholics," we may be quite certain that they were very bad Christians.

Naturally, the Jesuits implicated in the Gunpowder Treason did all in their power to save their personal reputation. Yet they were unable to prevent facts coming to light which revealed their complicity in the foul deed. Soon after the discovery of the Plot, a Jesuit priest named Father Thomas Strange was examined by Cecil as to his views about the lawfulness of King-killing. His answers are recorded by the modern English Jesuits themselves from contemporary MSS. "He (Cecil) wished to know his mind upon the authority of the Pope to depose his

[1] *During the Persecution: Autobiography of Father John Gerard of the Society of Jesus*, edited by G. R. Kingdom, S.J., p. 212.

[2] *The Condition of Catholics under James I.*, p. 89.

[3] *During the Persecution*, p. 214.

Majesty, and if it was lawful to kill a deposed King. . . . The Father replied that the subjects of a deposed King were no longer subjects, and that when a deposed King came to do violence, the subject in self-defence might kill the King. . . . 'Then,' says Cecil, 'if it is defined in such a case by the Church that the subject can kill his King, you also hold it lawful?' 'Yes,' says the Father."[1]

Father Oldcorne, *alias* Hall, was one of the Jesuit priests who were executed for the part they took in the Gunpowder Plot. He was Father Confessor to Catesby and Robert Winter, of whose guilt there can be no doubt. Humphrey Littleton gave assistance to the conspirators after the discovery of the Plot, and for this offence he was executed. Before his death he wrote out a confession of his guilt, in which he affirmed that he had consulted Father Oldcorne about the Plot, and had been advised by him that "the action was good"; and that he was of the opinion that "although the said action had not good success, yet it was commendable and good, and not to be measured by the event but by the goodness of the cause when it was first undertaken."[2] Later on, Littleton expressed his regret for having betrayed the Jesuits, but I cannot find that he ever charged himself with telling falsehoods about them. Father Oldcorne himself acknowledged that he had been consulted by Littleton about the Plot, and that he told him that the Powder action "is not to be approved or condemned by the event, but by the proper object or end, and means which were to be used in it; and because I know nothing of these, I will neither approve it *nor condemn* it, but leave it to God and their own consciences."[3] So that we have here Oldcorne's own acknowledgment that he refused to "condemn" an abominable attempt at wholesale murder! In this he acted differently from the Archpriest Blackwell, who publicly denounced the Plot as "intolerable, scandalous, and desperate." But Father

[1] Foley's *Records of the English Province, S.J.*, vol. iv. p. 6.
[2] *Ibid.*, p. 219. [3] *Ibid.*, p. 227.

Oldcorne has not suffered in the estimation of the Church of Rome, for, in 1886, Pope Leo XIII. raised him to the rank of "Venerable," as a preliminary to his expected Beatification and Canonisation!

Father John Gerard was another Jesuit priest implicated in the Gunpowder Plot. The Government issued a proclamation for his apprehension, and he would certainly have been put on trial for his life had he not escaped to the Continent. He wrote a Narrative of the Gunpowder Plot, which was published by the Jesuits in 1871. Some time before the discovery of the Plot, Catesby, Thomas Winter, John Wright, Guy Fawkes, and Thomas Percy met together in a house near the Strand, and there they all took an oath to carry out the Plot to a successful issue; to observe secrecy about it; and not to reveal the names of their accomplices. Directly after taking the oath, in another room in the same house, Father Gerard said Mass for them, and afterwards gave them the Sacrament. Father John Morris, S.J., states: "We have little doubt that the house in which the oath of secrecy was taken and Holy Communion received, was really Father Gerard's house."[1] In a long letter addressed to the Lords Commissioners on November 25, 1605, Thomas Winter stated: "We met behind St. Clement's, Mr. Catesby, Mr. Percy, Mr. Wright, Mr. Guy Fawkes, and myself; and having upon a primer given each other the oath of secrecy, in a chamber where no other person was, we went into the next room and heard Mass, and received the Blessed Sacrament upon the same."[2] In his examination on November 9, 1605, Guy Fawkes said that he, with the other four named by Winter, "met in a house in the fields beyond St. Clement's Inn, where they did confer and agree upon the Plot they meant to undertake and put in execution, and there they took a solemn oath and vow, by all their force and power to execute the same, and of secrecy, not to reveal any of their

[1] *The Condition of Catholics under James I.*, edited by John Morris, S.J., p. ccxxiii.

[2] *Criminal Trials*, vol. ii. p. 150 (London, 1835).

fellows, but to such as should be thought fit persons to enter into that action. And in the same house they did receive the Sacrament of Gerard the Jesuit, to perform their vow and of secrecy as is aforesaid." [1] Tierney states that in the original manuscript of this examination of Fawkes, there follows these words: "but he saith that Gerard was not acquainted with their purpose." But that Fawkes should mention Father Gerard by name is a clear proof that he was the priest who offered this particular Mass. Yet Gerard, some years later, writing in the third person, declared: "Yet who that priest was [who said this Mass] I have heard Father Gerard protest, upon his soul and salvation, that he doth not know." [2] Commenting on this denial, Tierney remarks: "Very little reliance can be placed on the asservations of Gerard, when employed in his own vindication." [3] Lingard quotes from a MS. copy, dated April 17, 1631, of an affidavit made by Anthony Smith, a secular priest, before the titular Bishop of Chalcedon, stating that "in his hearing, Gerard had said in the Novitiate at Liége, that he worked in the mine with the lay conspirators till his clothes were as wet with perspiration as if they had been dipped in water; and that the general condemnation of the Plot was chiefly owing to its bad success, as had often happened to the attempts of unfortunate generals in war." [4] Lingard rejects the story, and declares his belief in Gerard's innocence. Father John Morris, S.J., prints, in his *Life of Father John Gerard*, (pp. 426–430), a letter of that Jesuit in which he, writing to the Bishop of Chalcedon, states that he has seen a written statement to the effect that he (Gerard) had worked in the mine with the Gunpowder plotters, until his shirt "was wet through and dripping with sweat"; in answer to which he declares: "Now, with all due reverence, I call God to witness that I had no more knowledge of the conspiracy

[1] *Criminal Trials*, vol. ii. pp. 158, 159.
[2] Tierney's *Dodd's Church History*, vol. iv. p. 44.
[3] *Ibid., note.*
[4] Lingard's *History of England*, vol. ix. p. 396, edition 1844.

than a new-born infant might have ; that I never heard any one mention it ; that I had not even a suspicion of the provision of gunpowder for the mine, excepting only when the Plot was detected, made public, and known to every one." The curious thing about this denial is that it is dated September 1, 1630, while the document which it professes to refute is dated April 17, 1631—seven months after the reply was penned !

On the whole I do not think the evidence against Gerard was strong enough to justify his conviction in a Court of Law ; but he is certainly open to well-merited suspicion.

Father Henry Garnet, at that time Provincial of the English Jesuits, occupied the thoughts of Englishmen more than any other of the Gunpowder conspirators, with the exception of Guy Fawkes. Sir Everard Digby, who gave large sums of money for the expenses of the Plot, and of whose guilt no modern Jesuit expresses any doubt, was clearly of the opinion that Garnet thought the Plot lawful and justifiable. Digby's secret letters to his wife, while in prison, were discovered in 1675, and published by Bishop Barlow of Lincoln in 1679. In the first of these letters Digby expresses his " certain belief " in the justice of the Plot, on the authority of " those who were best able to judge of the lawfulness of it." Digby was a disciple of the Jesuits, and Father Gerard was his Chaplain. In the opinion of such a man those who were " best able " to give an opinion must have been priests. He tells his wife : " Let me tell you that if I had thought there had been the least sin in the Plot, I would not have been of it for all the world ; and no other cause drew me to hazard my fortune and life, but zeal to God's religion. For my keeping it secret, it was caused by certain belief, that those who were best able to judge of the lawfulness of it, had been acquainted with it, and given way unto it. More reasons I had to persuade me to this belief than I dare utter, which I will never, to the suspicion of any, though I should to the rack for it, and as I did not know it directly that it was

approved by such, so did I hold it in my conscience the best not to know any more if I might." [1]

Digby added that, before all the Lords he had "cleared all the priests in it for anything that I know"; but as he denied any personal acquaintance with his own Chaplain, Father Gerard—an evident falsehood—we may be quite sure that he did not fail to use equivocation and mental reservation when he thought them likely to be useful. Writing again to his wife, Digby remarked :—

"I did ask Mr. Farmer [an *alias* of Garnet] what the meaning of the Pope's Brief was ? He told me that they were not (meaning priests) to undertake or procure stirs ; *but yet they would not hinder any, neither was it the Pope's mind that they should*, that should be undertaken for Catholic good. I did never utter thus much, nor would not but to you ; *and this answer*, with Mr. Catesby's proceedings with him [Garnet] and me, *gave me absolute belief that the matter in general was approved*, though every particular was not known." [2]

None of the friends of Garnet deny that he learned about the Plot in the Confessional, and in time to have prevented it had he chosen to make his knowledge known to the Government. But it is pleaded on his behalf that the rules of his Church forbid that the Seal of the Confessional should be broken on any consideration whatever, not even to save any number of lives. In his Declaration of March 9, 1606, Garnet admitted that he had been informed of the Plot by Catesby. In a letter to Mrs. Vaux, one of his penitents, Garnet stated :—

"I acknowledged that Mr. Greenwell [*i.e.* Greenway, *alias* Tesimond] only told me in confession, yet so that I might reveal it if after I should be brought in question for it. I also said that I thought he had it in confession, so that he could reveal it to none but to me, and so neither of us was bound or could reveal it." [3]

[1] *The Gunpowder-Treason*, with Preface by the Bishop of Lincoln, pp. 241, 242 (London, 1679).

[2] *Ibid.*, pp. 250, 251.

[3] Foley's *Records of the English Province, S.J.*, vol. iv. p. 104.

Garnet himself seems to have a doubt whether or not this information was received from Greenway in Confession. In his examination on April 25, 1606, Garnet, "being demanded upon his priesthood to affirm sincerely, notwithstanding anything heretofore said, whether Greenwell's [Greenway's] discovery to be in Confession or not? He answered that *it was not in Confession*, but by way of Confession."[1] On April 4, Garnet wrote out the following remarkable confession addressed to the King; the original MS. is still in the Record Office. The italics are mine:—

"I, Henry Garnet, of the Society of Jesus, priest, do here freely protest before God that I hold the late intention of the Powder action to have been altogether unlawful and most horrible; as well in respect of the injury and treason to his Majesty, the Prince, and others that should have been sinfully murdered at that time; as also in respect of infinite other innocents which should have been present. I also protest that I was ever of opinion that it was unlawful to attempt any violence against the King's Majesty and the Estate, after he was once received by the Realm. Also I acknowledge that I was bound to reveal all knowledge that I had of this or any other treason out of the Sacrament of Confession. And whereas, partly upon hope of prevention, partly for that I would not betray a friend, I did not reveal the general knowledge of Mr. Catesby's intention, which I had of him. *I do acknowledge myself highly guilty, to have offended God, the King's Majesty and Estate, and humbly ask of all forgiveness;* exhorting all Catholics whatsoever, that they in no way build on my example; but by prayer and otherwise seek the peace of the Realm, hoping in his Majesty's merciful disposition that they shall enjoy their wonted quietness, and not bear the burden of mine or others' defaults and crimes.

"In testimony hereof I have written this with my own hand, 4th April. "HENRY GARNET."[2]

The Jesuit Foley gives the following explanation of the expression in this letter, "I did not reveal the general knowledge of Mr. Catesby's intention, which I had of him": "That is, that some treasonable plot was in agitation, which was the cause of Father Garnet's communications

[1] *Criminal Trials*, vol. ii. p. 333.

[2] Jardine's *Narrative of the Gunpowder Plot*, p. 242.

to Rome to procure the intervention of the Sovereign Pontiff for the prevention of any unlawful attempts, as we have seen above. But the knowledge of the Plot itself he only received from Father Tesimond under the Seal of Confession." [1] This, of course, is an attempt to make out that Garnet's confession of guilt, by which he had "offended God," related only to his knowledge obtained from Catesby about the Spanish Treasons, and had nothing to do with the Gunpowder Plot. But it so happens that Garnet himself gave an explanation of what he meant, on the following day, in a letter to Father Tesimond, *alias* Greenway, *alias* Greenwell. In this communication he entirely upsets the pleading of Foley. He states :—

"I wrote yesterday a letter to the King, in which I avowed, as I do now, that I always condemned that intention of *the Powder Plot ;* and I admitted that I might have revealed the general knowledge I had *of it* from Catesby out of confession . . . *and in this I confessed that I had sinned both against God and the King, and prayed for pardon from both.*" [2]

There can therefore be no doubt of Garnet's guilt to this extent, for he acknowledged it with his own hand. His suppression of this gravely important knowledge was in itself an offence for which he justly deserved to die. At his trial Garnet said : "I am well assured that Catholics in general did never like of this action of Powder, for it was prejudicial to them all ; and it was *a particular crime of mine*, that when I knew of the action, I did not disclose it." [3] In that speech he pleaded that he did not know the particulars of the Plot, yet he admitted that he might have known them all if he had wished, and that the information was offered to him by Catesby, but he refused to listen to it. These are Garnet's words :—

"At which time Catesby said he would inform the Pope, and tell me also in particular what attempt he had

[1] Foley's *Records of the English Province, S.J.*, vol. iv. p. 105.
[2] Jardine's *Narrative of the Gunpowder Plot*, p. 244.
[3] *Criminal Trials*, vol. ii. p. 289.

in hand, if he could get leave to disclose it. And afterwards he came and told me he had leave to disclose it to me, and offered to do so ; but I refused to hear him." [1]

In his Declaration on March 9, 1606, Garnet repeated this statement. Now it is very evident that those conspirators must have had very strong confidence that Garnet would not betray them when he learnt the particulars of the Plot, or they would never have offered to tell him all about it, *outside of the Confessional.* But anyhow Garnet had an opportunity of learning everything, and thus placing himself in a position to divulge everything to the Government, without breaking the Seal of Confession ; and he refused it. Is such a refusal consistent with a plea of innocence ?

A few days before his execution, Garnet made one more confession of guilt in suppressing the knowledge of the Plot which he obtained outside of the Confessional. He was visited by the Deans of St. Paul's, Westminster, and of the Chapel Royal. One of them asked him, " Whether he conceived that the Church of Rome, after his death, would declare him a Martyr ? and whether, as a matter of opinion and doctrine, he thought the Church would be right in doing so, and that he should in that case really become a true Martyr ? " To these questions Garnet, with a deep sigh, answered :—

" I a Martyr ? Oh, what a Martyr should I be ! God forbid ! If, indeed, I were really about to suffer death for the sake of the Catholic religion, and if I had never known of this project except by the means of Sacramental Confession, I might perhaps be accounted worthy of the honour of Martyrdom, and might deservedly be glorified in the opinion of the Church ; as it is, I acknowledge myself to have sinned in this respect, *and deny not the justice of the sentence passed upon me.* Would to God that I could recall that which has been done ! Would to God that anything had happened rather than this stain of treason

[1] *Criminal Trials,* vol. ii. p. 293.

should attach to my name! I know that my offence is most grievous, though I have confidence in Christ to pardon me on my hearty penitence; but I would give the whole world, if I possessed it, to be able to die without the weight of this sin upon my soul." [1]

Notwithstanding Garnet's own opinion of himself, the modern English Jesuits include his name in a list of the "Martyrs of the English Province, *First* Class," to which they add the names of Ralph Ashley, Father Oldcorne, S.J., and Nicholas Owen, all of whom lost their lives in connection with the Gunpowder Plot.[2] Of these, Ralph Ashley, Father Oldcorne, S.J., and Nicholas Owen, S.J., were, in 1886, raised to the rank of "Venerable" by Pope Leo XIII., with a view to their future Canonisation, while the name of Henry Garnet is down on the Vatican list for further consideration. Now, not one of these four men were put to death for their religion, and consequently have no just claim to be termed Martyrs. They were charged with being accessories, before or after the fact, in an abominable attempt to commit wholesale murder. Their memories should, therefore, be held in abhorrence, not in honour. Father Taunton formed a just estimate of Garnet's case, when he wrote: "That Garnet was tried upon the general knowledge he had from Catesby, and upon this alone was condemned, is clear to the reader: therefore, in no sense of the word is he a Martyr for his religion, nor a Martyr for the Seal of Confession." [3]

[1] Jardine's *Narrative of the Gunpowder Plot*, p. 251.
[2] Foley's *Records of the English Province, S.J.*, vol. vii. pp. lxiii., lxiv.
[3] Taunton's *History of the Jesuits in England*, p. 330.

CHAPTER XVIII

JAMES I. (*continued*)

The Results of the Gunpowder Plot—Roman Catholic Penalties for Heresy—Acts against Traitors and Recusants—The Oath of Allegiance—The Arch-priest writes in favour of the Oath—Other Roman Catholics on the Oath—Pope Paul V. denounces the Oath—Urban VIII. condemns the Oath—Father Peter Walsh on the Cause of the Penal Laws—Father Peter Walsh on the Papal Claims.

THE natural result of the Gunpowder Plot was to raise a storm of fierce indignation throughout the length and breadth of the land. It would have been surprising had any other result followed. The Plot did more harm to the Church of Rome in England than any event which has happened since the Spanish Armada. It gave the people a horror of Jesuits and Popery which has not ceased even in this twentieth century. We have still good reasons for thanking God for that great national deliverance. Of course there at once arose a demand for stricter penal laws. The wonder is that they were not made more severe than they were. Had a Protestant Plot of the same kind been then discovered in Spain or France, the vengeance of the Church of Rome would have been tenfold more severe. People who now talk so much against the Penal Laws, forget that the Church of Rome had at that time far more cruel Penal Laws of her own than any passed in the Reign of James I. The late Canon Robert C. Jenkins, a learned writer, in 1885, published a pamphlet on *The Law and Practice of the Church of Rome in Cases of Heresy*. It consisted of a brief summary of Farinacci's *Treatise of Heresy*, published first in the time of Paul V., who was Pope in the year of the Gunpowder Plot. Canon Jenkins, in his Preface, states that this work "has been ever since

its publication the chief authority of the Pontifical lawyers. Dedicated to Pope Paul V. and to all the Sacred College, it has the special authorisation and protection of the Pope and of the Master of the Apostolic Palace. Its authority was indeed European." In Chapter IV. of his pamphlet Canon Jenkins describes "The Consequents of a Condemnation for Heresy," as laid down in this work of Farinacci, issued with such high approbation. They are as follows :—

"I. A heretic is declared to be *diffidatus et bannitus* (p. 441), which means that he is removed from all protection of every human law, and has become, in the fullest sense, an outlaw (p. 442).

"II. As such, 'he may be attacked and killed with impunity.'

"III. He can be seized and captured by any private person without judicial sanction (p. 442).

"IV. He can be spoiled of his goods, according to a decree of Pope Clement IV., in 1265.

"V. Even if a cleric, he can be attacked and slain without the penalty of irregularity being incurred.

"VI. War may be proclaimed against him, if he is incapable of persecution in any other way (p. 443).

"VII. He incurs further the penalties of *infamy*, bringing with it other kinds of disgrace and disability (p. 445).

"VIII. Every act done by a heretic is null and void. (Why may not, then, his heresy itself be nullified ?)

"IX. All the debtors to a heretic are freed from their debts and obligations to him (p. 451).

"X. His goods are to be confiscated (p. 458), and those also of apostates, schismatics, and *fautors* of heretics.

"XI. Their houses and meeting-places are to be destroyed and never rebuilt. Also the houses of those who refuse admittance to Inquisitors searching for heretics (p. 469). The houses belonging to such persons are equally to be destroyed, and the goods contained in them confiscated and assigned to those who capture the heretic.

"XII. The dowry of a wife marrying a heretic knowingly is to be confiscated, and herself suspected of heresy (p. 473).

"XIII. A heretic is incapacitated from making a will—a law which is extended to apostates and *fautors* of heretics. Nor is his will revalidated even if he should be reconciled to the Church (p. 487).

"XIV. A heretic is incapable of succession, or of taking any inheritance or gift from a living person (p. 488).

"XV. The children of heretics are by their father's act deprived of their inheritance (p. 527), nor of this alone, but of every kind of support (*sed etiam alimentis*, p. 527). This is the result of the terrible law of Paul IV., '*Cum ex Apostolatus officio*,' in which heretics are to be deprived of every last office of humanity (*omni consolatione humanitalis destituantur*). This law extends to schismatics and the descendants of heretics to the second generation.

"XVI. All such persons are declared *infamous* and incapable of inheriting any property whatever."

All these penalties are in addition to the fearful tortures, imprisonments, and burning alive to which all Protestants are liable, quite apart from any political opinion they may hold. When Roman Catholics now denounce the Penal Laws of England they should remember the old proverb, "Those who live in glass houses should not throw stones." In writing thus, I must not be understood as giving my approval to every Penal Law against Romanists which from time to time has been placed on the Statute Book. But I will add that, with a few exceptions, they were provoked by the political misconduct of the Roman Catholics. This was markedly the case with the Gunpowder Plot. The first Parliamentary action taken after the discovery of the Plot, took the form of an Act (3 James I., cap. 1), ordering a public Service of Thanksgiving to God to be offered every year. The preamble stated that "to the end this unfeigned thankfulness may never be forgotten, but be had in perpetual remembrance, that all ages to come may yield praise to His Divine Majesty for the same, and have in memory this Joyful Day of Deliverance," it was ordered that on the Fifth of November each year a special Service should be held in every Cathedral and Parish Church, to "give unto Almighty God thanks for this most happy deliverance." In accordance with this Act a special form of Prayer for November 5th was inserted in the Book of Common Prayer, and there

remained until, in 1859, the Act ordering the Service was most unwisely repealed by 22 Victoria, cap. 2. The next Act resulting from the Gunpowder Plot (3 James I., cap. 2) was "An Act for the Attainder of divers offenders in the late most barbarous, monstrous, detestable and damnable Treasons." These treasons included the attempts made shortly before the death of Elizabeth to obtain armed assistance from Spain, with a view to placing a Roman Catholic on the Throne. The names of most of the conspirators are given in the Act. It was followed by another Act of great severity, in which the anxiety of Parliament not to resort to extreme measures (in cases where undivided loyalty to the King was proved) was clearly manifested. It was entitled, "An Act for the better discovering and repressing of Popish Recusants" (3 James I., cap. 4). The preamble stated that: "It is found by daily experience that many, his Majesty's subjects, that adhere in their hearts to the Popish religion, by the infection drawn from thence, and by the wicked and devilish counsel of Jesuits, Seminaries, and other like persons dangerous to the Church and State, are so far perverted in the point of their loyalties and due allegiance unto the King's Majesty, and the Crown of England, as they are ready to entertain and execute any treasonable conspiracies and practices, as evidently appears by that more than barbarous and horrible attempt to have blown up with gunpowder the King, Queen, Prince, Lords and Commons in the House of Parliament assembled." Therefore, in order that their evil purposes should be the better prevented, it was enacted that every Popish Recusant who had hitherto repaired to Church during Divine Service, should also receive the Lord's Supper once a year in his, or her, Parish Church; under a penalty, for the first year, of £20; for the second year, of £40; and for every year after such not receiving, £60. And if, after receiving the Sacrament, any Recusant should abstain from doing so for one year, he or she should for every such offence forfeit the sum of £60. By the fourth section, Churchwardens and

constables of every town and parish were ordered to "once in every year present the monthly absence from Church of all and all manner of Popish Recusants within such towns and parishes, with the names of their children, being nine years old and upwards, as also the names of their servants, at the General or Quarter Sessions." Those constables and Churchwardens who failed to so present the list of Popish Recusants were, for every such offence, to be fined twenty shillings. For every Recusant so presented, and afterwards indicted and convicted, the Churchwardens or Constables respectively shall have a reward of forty shillings. By Section 8 it was provided that every Recusant not repairing to Divine Service, who shall have been once convicted for that offence, shall pay a fine of £20 each month after his conviction, until he shall conform himself and come to Church. And if default be made in any part of any payment of these fines into the Court of Exchequer, then the King may "take, seize and enjoy all the goods, and two parts as well of the lands . . . liable to such seizure, or to the penalties aforesaid, leaving the third part only of the same lands . . . leases and farms, to and for the maintenance and relief of the said offender, his wife, children, and family." The eleventh section allowed the King to refuse to take the Recusant's fine of £20 a month, and instead thereof to seize and take to his own use two-thirds of the Recusant's landed property.

It is well to remember that these laws were passed rather to alarm than from any desire to enforce them generally throughout the country. The Government could have so enforced them had they wished; but if they had done so every Romanist in the country would soon have been ruined. A distinction must always be made between the enacting and administration of a law. The law may be severe, yet it may be administered in a very mild and limited manner. The great anxiety of the King and Government at this time was to obtain some reliable assurances of loyalty from the Romanists, and for that purpose

this Act gave permission to all Bishops and Justices of the Peace to administer an Oath of Allegiance to any suspected person over eighteen years of age, not being a nobleman or noblewoman. Those who refused to take it were to be committed to prison without bail until the next Assizes or Quarter Sessions, where the Oath would be again offered to them. Should they again refuse to take it, "every person so refusing shall incur the danger and penalty of *præmunire*," "except women covert," who shall be committed to the common gaol, there to remain without bail or mainprise, till they will take the said oath."

I think these last provisions of this Act, though very severe, were perfectly just. The Oath of Allegiance did not require them to repudiate any article of religion, and, if the Romanists refused to thus prove their loyalty to the State at a time when it was in danger from Papal machinations and Jesuit intrigues, they had only themselves to blame if they felt the heavy hand of the State on them. In order that my readers may be able to form a just opinion of this important Oath of Allegiance, I quote it entire :—

"I, A. B., do truly and sincerely acknowledge, profess, testify, and declare in my conscience before God and the world, that our Sovereign Lord King James is lawful and rightful King of this Realm, and of all other his Majesty's Dominions and countries ; and that the Pope neither of himself nor by any authority of the Church or See of Rome, or by any other means with any other, hath any power or authority to depose the King, or to dispose any of his Majesty's Kingdoms or Dominions, or to authorise any foreign Prince to invade or annoy him or his countries, or to discharge any of his subjects of their allegiance and obedience to his Majesty, or to give licence or leave to any of them to bear arms, raise tumults, or to offer any violence or hurt to his Majesty's Royal person, State or Government, or to any of his Majesty's subjects within his Majesty's Dominions.

"Also I do swear from my heart, that notwithstanding any declaration or sentence of excommunication or deprivation made or granted, or to be made or granted, by the Pope or his successors, or by any authority derived, or pretended to be derived, from him or his See against the said King, his heirs or successors, or any

absolution of the said subjects from their obedience, I will bear faith and true allegiance to his Majesty, his heirs and successors, and him and them will defend to the uttermost of my power, against all conspiracies and attempts whatsoever which shall be made against his or their persons, their Crown and dignity, by reason or colour of any such sentence or declaration, or otherwise, and will do my best endeavour to disclose and make known unto his Majesty, his heirs and successors, all treasons and traitorous conspiracies which I shall know or hear of to be against him or any of them.

"And I do further swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, this damnable doctrine and position, that Princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their subjects, or any other whatsoever.

"And I do believe, and in my conscience am resolved, that neither the Pope nor any other person whatsoever, hath power to absolve me of this oath or any part thereof, which I acknowledge by good and full authority to be lawfully ministered unto me, and do renounce all pardons and dispensations to the contrary.

"And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation or mental evasion, or secret reservation whatsoever: and I do make this recognition and acknowledgment heartily, willingly, and truly, upon the true faith of a Christian.

"So help me God."

This same Act provided, by its eighteenth section, that any one passing over the seas, for the purpose of serving any foreign Prince or State, without having first taken the Oath of Allegiance, "shall be a felon." The twenty-second section enacted that any person who should endeavour to "persuade or withdraw any of the subjects of the King's Majesty, or of his heirs and successors of this Realm of England, from their natural obedience to his Majesty, his heirs and successors, or to reconcile them to the Pope or See of Rome," shall, on conviction, "suffer and forfeit as in cases of High Treason." Any person so reconciled beyond the seas shall be "adjudged traitors," and suffer the penalties of High Treason; but any person,

so reconciled, who shall, within six days after their return to England, take the Oath of Supremacy, and the Oath of Allegiance, shall not be liable to the punishment of High Treason. Section 27 provided that those who did not attend their parish church should pay a fine of twelve pence for each default; but it was added that no one should be impeached for this latter offence, unless the impeachment took place within one month after the offence. By Section 32, it was enacted that any person or persons who should "willingly maintain, retain, relieve, keep, or harbour in his or their house, any servant, sojourner, or stranger," who did not attend the Divine Services of Church of England, should forfeit £10 for every month in which they so acted; but that "this Act shall not in any wise extend to punish or impeach any person or persons for maintaining, relieving, keeping, or harbouring his or their father or mother."

Another important Act (3 James I., cap. 5) was passed in the same Session as that which passed the last-cited Act. It contained many severe provisions. It was entitled "An Act to prevent and avoid dangers which grow by Popish Recusants." It enacted, amongst other matters, that if any person should discover to any Justice of the Peace any Recusant who had entertained "any Jesuit, Seminary, or Popish priest, or shall discover any Mass to have been said, and the persons that were present at such Mass, and the priest that said the same, or any of them, within three days next after the offence committed"; then, on the conviction of such person or persons, the informer should be entitled to one-third part of the money and goods which the Recusant forfeited for his offence. By Section 2 it was provided that no Popish Recusant convicted, or to be convicted, "shall come into the Court or house where the King's Majesty, or his heir, should be" (unless commanded in writing to be present), under a penalty of £100. All Popish Recusants were ordered to depart from the City of London, and not reside within ten miles of it,

under a penalty of £100. But those who had resided in the City of London for three months before the opening of that Session of Parliament, and had there carried on "any trade, mystery, or manual occupation," were allowed to continue their residence, notwithstanding the fine imposed on others. By Section 6 it was ordered that any Popish Recusant who had been convicted of not attending the services in his Parish Church, should "repair to the place where such person was born, or where the father or mother of such person should be dwelling, and not at any time remove or pass above five miles from thence," under the penalties provided by 35 Elizabeth, cap. 2. But permission was given to any three or more of the Privy Council to grant licences to such Recusants to travel beyond the five miles' limit; and a similar power of granting licences was given to any four Justices of the Peace, with the written assent of the Bishop of the Diocese.

By Section 8 it was enacted that "no Recusant convict" could "practice the common law of this realm as a counsellor, clerk, attorney, or solicitor in the same, nor shall practice the civil law as advocate or proctor, nor use or exercise the trade or art of an apothecary; nor shall be judge, minister, clerk, or steward of or in any Court, nor keep any Court, nor shall be registrar or town-clerk, or other minister or officer" in either the Army or Navy. Every person offending against these provisions should, for every offence, forfeit £100. Section 9 enacts that no Popish Recusant convict, "nor any having a wife being a Popish Recusant convict," "shall exercise any public office or charge in the commonwealth." Section 10 ordered that every widow, being a "Popish Recusant convict," whose husband had not been a Popish Recusant convict, shall, if, after the death of her husband, she abstained from attendance at Divine Service in the Parish Church, and had abstained from taking the Lord's Supper for one year, "forfeit and lose to the King's Majesty, his heirs and successors, the issues and profits of two parts

of her jointure, and two parts of her dower," and be disabled from acting as executrix or administratrix of her husband. By Section 13 it was provided that any Popish Recusant convict who should be married otherwise than in the Church of England, " shall be utterly disabled and excluded to have any estate of freehold " of his wife. If any woman, being a Popish Recusant convict, be married otherwise than in the Church of England, she shall not be entitled to claim any dower of the inheritance of her husband. Section 14 ordered all children to be baptized in the Parish Church " by a lawful minister, according to the laws of this Realm," under a penalty of £100. The Act also inflicted certain penalties on those who, without licence, sent their children abroad to be educated as Roman Catholics. By Section 18, Roman Catholics were forbidden to act as Patrons to livings in the Church of England. By Section 22 it is affirmed that it is not meet that Popish Recusants shall " have the education of their own children." Penalties were also imposed by this Act on all who printed, sold, or bought any Popish books.

A modern American Professor, who, as I have already stated, has made a special and impartial study of English Roman Catholic history at this period, after giving an account of these two Acts of Parliament, justly remarks : " These exceedingly harsh provisions were probably never put into full execution ; and it is probable, though not certain, that the Government never expected or intended that they should be. It was well to enact them to satisfy and silence the Protestant fanatics by a pious show of zeal. It was equally well to have them on the Statute Books, to use if the situation should, at any time, demand rigorous measures. In fact, during the whole reign of James, the Penal Laws were used to threaten and coerce the refractory, who refused to take the Oath of Allegiance, and were not amenable to persuasion. Those Catholics who would take the Oath of Allegiance and accept the leadership of the Secular Priests, need not be troubled with fines or penalties,

but all the Jesuits and their supporters, all foreign plotters and their books and letters, all those who stiffly refused the Governmental overtures, these might well feel the weight of the law, from time to time, not so much to exterminate them, as to coerce them into the acceptance of the new compromise. . . . The existence of the Penal Laws, not their execution, was the guarantee for the loyalty of the secular Catholics to the State. The new settlement of 1606 was, therefore, James-like; the Judges would go down to the Assizes, bearing in one hand the Oath of Allegiance, and in the other the sword of the new penalties, and the Catholics should choose." [1]

The chief controversy created by these Acts centred round the Oath of Allegiance. Large numbers of Roman Catholics, with the advice and consent of the secular priests, took it without hesitation, and were afterwards treated by the Government with extraordinary leniency. What the Government wanted was a reliable assurance of loyalty from the Romanists, and when this was given they were content to wink at the evasion of many of the laws against Recusants. Even the Arch-priest Blackwell publicly expressed his belief that it was lawful for Romanists to take the Oath, and he set them an example by taking it himself. He expected great gain and comfort for his co-religionists if they followed his example. In a letter to his clergy, dated July 7, 1607, he said :—

"Not knowing whether ever I shall have opportunity again to write to you, I have thus at large discharged my conscience in this matter; persuading myself that you, my assistants, and dear brethren, will take the oath as I have done, when it shall be offered unto you, and that you will instruct the lay Catholics that they may so do, when it is tendered to them. So shall we shake off the false and grievous imputations of treasons and treacheries: so shall lay Catholics not overthrow their estates; so shall we

[1] *The Reconstruction of the English Church*, by Roland G. Usher, Ph.D., vol. ii. pp. 111, 112.

effect that which his Holiness desireth, that is, to exhibit our duties to God and our Prince. Surely this will bring us gain and increase of comforts." [1]

It would have been well for English Romanists had they all followed Blackwell's advice. It would, indeed, have brought them "gain and increase of many comforts," as it actually did to those who took the Oath. Every Roman Catholic Peer in the House of Lords frequently took the Oath, excepting only one. But the Jesuits, backed by the Pope, were the bitter enemies of the Oath, and forbade their subjects to take it. The result was that those who refused to clear themselves on the question of allegiance soon found the Recusant laws enforced against them; while those who took the Oath were at once relieved from many grievous inflictions. This was acknowledged at the time by no less an authority than Father Richard Holby, S.J., who was appointed Superior of the English Jesuits after the execution of Father Garnet. In his Annual Letter to the General of the Jesuits for the year 1607, Holby stated: "On all hands we hear of nothing but the violence and rigour of the authorities, and repeated and cruel seizures of property, so that we can truly say, 'Without are fightings, within fears.' *By taking the Oath one is spared these outrages, the rage of the persecutors is softened, and gentler treatment is experienced from the Government and its officers.*" There was really no valid excuse, on the score of religion, for refusing the Oath, and thus gaining many advantages. Father Taunton justly points out: "It may be noticed that in this form of Oath the spiritual power of the Pope is noways denied; only the temporal claims." [3] And yet Henry Foley, S.J., had the daring to tell this untruth about it: "In this Oath they were made to swear (1) allegiance to James I., not only as their lawful King, but as Supreme Head of the Church of England; (2) an open and formal

[1] Tierney's *Dodd's Church History*, vol. iv. p. cxlviii.
[2] Foley's *Records of the English Province, S.J.*, vol. vii. p. 981.
[3] Taunton's *History of the Jesuits in England*, p. 352.

denial of the Headship of the Sovereign Pontiff in all matters ecclesiastical." [1]

The Pope (Paul V.) lost no time in denouncing the new Oath of Allegiance. He issued two Briefs against it: the first, dated September 22, 1606; and the second, dated October 1607. It was with reference to the first of these Papal Briefs that James I., in his *Apology for the Oath of Allegiance*, wrote: "But the Devil could not have devised a more malicious trick for interrupting this so calm and clement a course, than fell out by the sending hither, and publishing a Brief of the Pope, countermanding all them of his profession to take this Oath; thereby sowing new seeds of jealousy between me and my Popish subjects, by stirring them up to disobey that lawful commandment of their Sovereign, which was ordained to be taken of them as a pledge of their fidelity." A learned Roman Catholic preist, the Rev. Charles O'Conor, D.D., writing in 1812, remarks: "I do not admire the character of James; but it is impossible for any honest man to read his *Triplici nodo triplex Cuneus*, or *Apology* for the fair Oath which he proposed to the Catholics after the Gunpowder Plot, without acknowledging that he was very far from meaning to persecute their religion." [2] And Charles Butler, the leading lay champion of the English Romanists at the beginning of the nineteenth century, admits that: "Nothing, in the opinion of the writer, could be more wise or humane than the motives of James in framing the Oath." [3] And Lord Acton says of James: "He regarded the Penal Laws as defensible on the ground of political danger only, not on the ground of religion." [4]

In his first Brief the Pope declared that:—

"An Oath of the kind cannot be taken with safety to the Catholic faith and to the welfare of your own souls,

[1] Foley's *Records of the English Province, S.J.*, vol. ii. p. 475.

[2] O'Conor's *Historical Address*, part ii. p. 201.

[3] Butler's *Historical Memoirs of the English Catholics*, vol. ii. p. 185, edition 1822.

[4] Acton's *Lectures on Modern History*, p. 197.

containing, as it does, much that is openly opposed to the faith and to salvation. Wherefore we admonish you carefully to abstain from this or other such Oaths; a caution which we are the more strict in urging upon you, because that having had experience of the constancy of your faith, which has been tried, as gold, in the furnace of unremitting tribulation, we feel assured that you will be ready cheerfully to submit to any still more atrocious tortures, and even to feel an earnest longing for death itself, rather than to do ought which might be injurious to the majesty of God." [1]

In his second Brief, Paul V. referred to rumours which had reached him to the effect that his first Brief was not written of his own natural accord and proper will, but at the instance, and in pursuance of the designs of others, and that therefore his commands, forbidding the taking of the Oath, need not be attended to. On this account he had determined to write to the English Roman Catholics again, to assure them that his first Brief was written "after long and grave deliberation on all matters therein contained; and that you are therefore bound strictly to observe its injunctions." [2]

The Pope was careful not to specify which portions of the Oath of Allegiance were objectionable. Thirteen priests, who were suffering imprisonment for refusing to take the Oath, wrote to him begging him most earnestly to inform them what those things in the Oath were which he had pronounced to be adverse to faith and salvation, but he did not condescend to send them an answer. In a letter which Pope Urban VIII. wrote to the French King on May 30, 1626, he thus referred to the same Oath: "There is exacted from the English Catholics the Oath of Allegiance, which the censure of Paul V. hath condemned, and the Church's piety doth detest. They are resolved rather to lose their life in the midst of torments, than to fall away, by that kind of Oath, from Christ that reigneth

[1] King's *Church History of Ireland*, vol. iii. p. 1316.
[2] *Ibid.*, p. 1319.

in the Popes." [1] The real objection to the Oath was that it denied the right of the Pope to depose Princes, and absolve their subjects from their Oaths of Allegiance; in short, it repudiated his Temporal Power over Princes. This is admitted by Mr. Charles Butler, the lay champion of the English Romanists in their demands for Catholic Emancipation, early in the nineteenth century. He writes: "The great objection, however, to the Oath, was its absolute denial of the Pope's deposing Power." [2] Sir John Throckmorton, a Roman Catholic Baronet, writing in 1792, remarks :—

"It has been asserted that the only difficulty, to which this Oath was liable, was in applying the word 'heretical' to the doctrine of the Deposing Power; but this assertion is contradicted by the uniform conduct and declarations of the Court of Rome, and the writings of those who combated the lawfulness of the Oath. From these it will appear that the objection made to it, and the ground of its repeated condemnation, was the explicit denial of any power in the Pope, on any occasion, to depose Kings; and that the word 'heretical' could only be objectionable to those who maintain the Deposing Power." [3]

In a letter which Father Robert Parsons, S.J., wrote from Rome at this period, he frankly stated what was the real objection to the Oath of Allegiance. He wrote: "About four or five months past, a consultation was held of seven or eight of the most learned divines, who could be chosen, to give their judgment on it [the Oath]; their reasons are many, *but all reduced to this: that it is of faith that the Pope hath authority to chastise Princes on just grounds*, and, consequently, when it is called in question, it cannot be denied, without renouncing our faith." [4]

[1] *Clarendon State Papers*, vol. i. p. 64, edition 1767, 8vo.

[2] Butler's *Historical Memoirs of English Catholics*, vol. ii. p. 191, edition 1822.

[3] *A Letter to the Catholic Clergy of England*, by Sir John Throckmorton, Bart., p. 137.

[4] *Ibid.*, p. 138.

Not only were many Roman Catholics sent to prison for refusing the Oath, but several priests actually suffered death rather than submit. We may and must admire their courage, though we disapprove of their conduct; but we can only feel contempt and loathing for the Papal authorities for being the primary cause of sending men to prison and death rather than allow them to renounce the Papal claims to mere worldly honour and power. They were Martyrs to the Deposing Power of the Popes; not to their religion. We cannot but agree with Father Joseph Berington, when he wrote of these men :—

"I venerate the virtues and the firmness of these men; but truly it is pitiable to see such virtues and such firmness expended on a cause, at the name of which reason recoiled, and religion blushed. They died, because when called on by the legal authority of their country, they would not declare that the Roman Bishop, styled the Vicar of Him 'whose Kingdom is not of this world,' had no right to dethrone Princes. Their foreign education had inspired this strange conception of the Papal prerogative. And [Pope] Paul himself could sit undisturbed in the Vatican, hearing that men were imprisoned, and that blood was poured out in support of a claim, which had no better origin, surely he knew, than the ambition of his predecessors, and the weak concessions of mortals; he could sit and view the scene, and not, in pity at least, wish to redress their sufferings, by releasing them from the injunctions of his Decree." [1]

And the Rev. Charles O'Conor, D.D., is even more indignant at the conduct of the Pope, although he himself was a Romish priest. He writes :—

"My heart swells with mingled emotions of pity on one side, and horror and indignation on another, when I contemplate the dilemma in which those wretched men were thus placed, by the pride and ambition of their Superiors! Before them was Tyburn, behind them stood, armed with

[1] *Memoirs of Panzani*, pp. 85, 86.

fulminating thunders and terrors, that grim disgrace, in the opinion of their flocks, by which they would be overwhelmed as apostates, if they opposed the mandates of Rome! . . . Religion indignantly wraps herself up in her shroud of deepest mourning, before the idol of ecclesiastical domination, when she observes the Roman Court sacrificing to its insatiable ambition the lives of so many heroes who were worthy of a better fate."[1]

Dr. O'Conor adds that "in consequence of this horrible decision" nine priests "suffered as victims to the domination of Vicars Apostolic, and the fatal influence of the Court of Rome." They were the Revs. Roger Cadwalador, George Gervase, Latham (whose real name was John Almond), George Napier, Nicholas Atkinson, Robert Drury, Matthew Flather, Thomas Maxfield, and Thomas Garnet. Each of these men could have saved his life by taking the Oath of Allegiance, and therefore cannot be said to have died for his religion. But Pope Leo XIII., in 1886, raised all of these priests to the rank of "Venerable," as a step towards their eventual Canonisation. Disloyalty to a Protestant Government is no hindrance to Canonisation. Paul V. would not raise a hand to make English Romanists more loyal to their King. It is stated by the historian Gardiner that before the end of October, 1607, Lord Salisbury, probably at James' instigation, begged Zuñiga, Spanish Ambassador in England, "to urge the Pope to write a kind letter to James, offering to excommunicate those Catholics who rebelled against their Sovereign, and to direct them to take arms, if necessary, to defend him against invasion. If Paul would do this, all the fines imposed upon Catholics would be at once remitted, and they would be allowed to keep priests in their houses without hindrance from the Government"; but as late as the following February this important proposal "had met with no response."[2] The Pope would not assist a Protestant

[1] *Columbanus*, No. vi., by the Rev. Charles O'Conor, D.D., pp. 112, 113.
[2] Gardiner's *History of England*, vol. ii. pp. 23, 27, second edition.

King against his enemies, even though, by so doing, he would deliver his own spiritual children in England from many pains and penalties. It was brutally selfish; yet it was in accordance with the general principles of the Papacy, as expressed, nearly thirty years later, by the Papal Secretary of State, who, on May 20, 1646, wrote as follows to Rinuccini, Papal Nuncio to the Irish Rebels, who had boasted of his fidelity to the Royal cause :—

"*The Holy See never can, by any positive act, approve of the civil allegiance of Catholic subjects to an heretical Prince.* From this maxim of the Holy See have arisen many difficulties and disputes in England about Oaths of Allegiance; and his Holiness' displeasure is the greater, because you have left the original of this your speech in the hands of the Catholic Confederates, which, if published, will furnish heretics with arguments against the Pope's power over heretical Princes, seeing that his Minister exhorts the Catholics of Ireland to allegiance to an heretical King. You must, therefore, withdraw the original, and suppress all copies of the said speech, and never indulge in such speeches again." [1]

Again, when Rinuccini, in 1646, made the Irish Roman Catholic Bishops subscribe to a declaration, refusing to sign a Peace Treaty, unless ample conditions were made for the support of religion, the King, and the country, he brought once more on himself the censure of the Cardinal Secretary of State, who, on December 10, 1646, wrote to him :—

"It has been the *constant and uninterrupted practice of the Holy See never to allow its Ministers to make or to consent to any public edict of Catholic subjects, for the defence of the Crown and person of an heretical Prince;* that this conduct of his furnished pretences to the enemies of the Holy See to reflect upon her, as deviating from the maxims of sound policy, to which she had ever yet adhered; and that the Pope desired that he would not, by any public act, show that he knew, or consented to, any declaration of allegiance

[1] O'Conor's *Historical Address*, part ii. p. 415.

which Irish Catholics might, for political reasons, be compelled or willing to make to the King." [1]

The fact is that if the Popes had been willing that English Roman Catholics should be genuinely loyal to their Sovereigns, after Henry VIII.'s severance from Rome (and excluding the short reign of Queen Mary), but very few Penal Laws would ever have been passed. It was mainly a reasonable dread of Papal interference with the temporal affairs of the Realm that made it seem to the authorities necessary to erect such safeguards. But very few in these times are aware how extreme and audacious the claims of the Papacy were in the sixteenth and seventeenth centuries—claims which have never been withdrawn, though not often obtruded on the public gaze. And here it may be appropriate to cite the opinion of a learned and loyal Roman Catholic priest living in England in the middle of the seventeenth century, who gives his candid, and, I believe, well-founded opinion, as to the real cause of the Penal Laws of the sixteenth and seventeenth centuries. He was the author of the well-known *History and Vindication of the Loyal Formulary, or Irish Remonstrance*, published in a large folio volume, in 1674. He is thus described by Father Tootle, *alias* Dodd: "Peter Walsh; a learned Irish Franciscan; born, 1610. He was a great stickler for the Oath of Allegiance; but at the same time, *a zealous champion for the Catholic Faith*." [2] In 1674, Father Peter Walsh published, in a small volume, his *Letter to the Catholics of England, Ireland, and Scotland*, from which I give the following extract, which, though long, is still of great importance, for it accurately describes the intolerable temporal claims of the Papacy, and that by one who, as we have just seen, was "a zealous champion for the Catholic faith." The numbering of the paragraphs is mine. He writes:—

"I must now tell you that, if we please to examine

[1] O'Conor's *Historical Address*, part ii. p. 417.
[2] Dodd's *Church History*, vol. iii. p. 323, edition 1742.

things calmly, with unprejudiced reading, and unbiased reason, we may find without any peradventure, that the rigour of so many laws, the severity of so many edicts, and the cruel execution of both, many times against even harmless people of the Roman Communion, have not intentionally or designedly from the beginning aimed, nor do at present aim, so much at the renunciation of any avowed or uncontroverted articles of that Christian or Catholic religion you profess, as at the suppression of those doctrines which many of yourselves condemn as Anti-Catholic, and for the prevention of those practices which you all say you abhor as Anti-Christian. . . . I say, it is not any of all these articles or practices, nor all together (not even joined with some others, whether of lesser or greater note) that is the grand rock of scandal, or that hath been these last hundred years, the cause of so many penalties, mulcts, incapacities, of shameful deaths inflicted, and more ignominious characters given us. That of our side, the original source of all those evils, and perpetual spring of all other misfortunes and miseries whatsoever, of the Roman Catholics in England, Ireland, Scotland, at any time since the first change under Henry VIII., hath been a system of doctrines and practices, not only quite other than yourselves do believe to have been either revealed in Holy Scripture, or delivered by Catholic tradition, or evidenced by natural reason, or so much as defined by the Tridentine Fathers, but also quite contrary to those doctrines and practices which are manifestly recommended in the letter, sense, and whole design of the Gospel of Christ. . . . That of those quite other and quite contrary doctrines, in the most general terms, without descending to particular applications of them to any one Kingdom or people, are as followeth, viz.:—

1. "That by Divine right, and immediate institution of Christ, the Bishop of Rome is universal Monarch and Governor of the world, even with Sovereign, independent, both spiritual and temporal authority over all Churches, nations, Empires,

Kingdoms, States, Principalities ; and over all persons, Emperors, Kings, Princes, Prelates, Governors, priests and people, both orthodox and heterodox, Christian and Infidel, and in all things and causes whatsoever, as well temporal and civil, as ecclesiastical or spiritual.

2. " That he hath the absolute power of both swords given him.

3. " That he is the fountain of all jurisdiction of either kind on earth, and that whoever derives not from him hath none at all, not even any the least civil or temporal jurisdiction.

4. " That he is the only Supreme Judge of all persons and powers, even collectively taken, and in all manner of things Divine and human.

5. " That all human creatures are bound, under forfeiture of eternal salvation, to be subject to him, *i.e.* to both his swords.

6. " That he is empowered with lawful authority, not only to excommunicate, but to deprive, depose, and dethrone (both sententially and effectually), all Princes, Kings, and Emperors ; to translate their Royal rights, and dispose of their Kingdoms to others, when and how he shall think fit, especially in case either of apostacy, or heresy, or schism, or breach of ecclesiastical immunity, or any public oppression of the Church or people in their respective civil or religious rights, or even in case of any other enormous public sins, nay, in case of only unfitness to govern.

7. " That to this purpose he hath full authority, and plenitude of Apostolic power, to dispense with subjects in, and absolve them from all Oaths of Allegiance, and from the antecedent ties also of the laws of God or man, and to set them at full liberty ; nay, to command them, under excommunication and what other penalties he please, to raise arms against their so deposed, or so excommunicated, or otherwise ill-meriting Princes, and to pursue them with fire and sword to death, if they resist, or continue their administration, or their claim thereunto against his will.

8. " That he hath likewise power to dispense, not only in all Vows whatsoever, made either immediately or mediately to God Himself, not only (as hath been now said) in the Oath of Allegiance sworn to the King, but in all other Oaths or promises under Oath made even to any other man, whatsoever the subject or thing sworn be.

9. " That besides Oaths and Vows, he can dispense in other matters also, even against the Apostles, against the old Testa-

ment, against the Four Evangelists, and (consequently) against the law of God.

10. "That whoever kills any Prince deposed or excommunicated by him, or by others deriving powers from him, kills not a lawful Prince, but an usurping tyrant; a tyrant at least by title if not by administration too; and therefore cannot be said to murder the Lord's anointed, or even to kill his own Prince.

11. "That whosoever, out of pure zeal to the Roman Church, ventures himself, and dies in a war against such a tyrant (*i.e.* against such a deposed or excommunicated Prince) dies a true Martyr of Christ, and his soul flies to heaven immediately.

12. "That his Holiness may give, and doth well to give, Plenary Indulgence of all their sins (a *culpa* and *pœna*) to all subjects rebelling and fighting against their Princes, when he approves of the war.

13. "That antecedently to any special judgment, Declaration, or Declaratory Sentence pronounced by the Pope, or any other subordinate Judge, against any particular person, heresy does, *ipso jure*, both incapacitate to and deprive of the Crown, and all other, not only Royal, but real and personal rights whatsoever.

14. "That an heretic possessor is a manifest usurper, and a tyrant also, if the possession be a Kingdom, State, or Principality; and therfore is, *ipso jure*, outlawed; and that all his people (*i.e.* all otherwise reputed vassals, tenants, or subjects) are likewise, *ipso jure*, absolved from all Oaths, and all other ties whatsoever of fidelity or obedience to him.

15. "That all ecclesiastics whatsoever, both men and women, secular and regular, Patriarchs, Primates, Archbishops, Bishops, Abbots, Abbesses, Priests, Friars, Monks, Nuns, to the very Porter or Porteress of a cloisture inclusively, nay, to the very scullion of the kitchen, and all their Churches, houses, lands, revenues, goods, and much more all their persons, are exempt by the law of nature, and laws of nations, and those of God . . . are indeed universally, perpetually, and irrevocably, so exempt from all secular, civil, and temporal authority on earth, whether of States or of Princes, of Kings or of Emperors; and from all their laws, and all their commands.

16. "That, consequently, if any Churchman should murder his lawful and rightful King, blow up the Parliament, fire, burn, and lay waste all the Kingdom; yet he could not be therefore guilty of treason, or truly called a traitor against the King, or against the Kingdom, or people, or laws thereof; no, nor could be justly punished at all by the secular Magistrate, or laws of

the land, without special permission from the Pope, or those deriving authority from him.

17. "That he [the Pope] can suspend, correct, alter, and utterly abolish any Imperial, Royal, or Municipal Constitution, custom, or law whatsoever, in any State or Kingdom of the world, as he shall think expedient."[1]

[1] *A Letter to the Catholicks of England, Ireland, Scotland*, by Father Peter Walsh, of the Order of St. Francis, and Professor of Divinity (printed Anno 1674), pp. 13–1.

CHAPTER XIX

JAMES I. (*concluded*)

Papal Diplomacy and Intrigue—Marriage Negotiations with Spain—The Pope refuses to exhort English Romanists to Loyalty—Marriage Negotiations with France—Evil Results of James' Reign.

WITH the negotiations for the marriage of the eldest son of James I. with a Spanish Princess began the period of Papal diplomacy and intrigue, mainly of a secret character, by which it was hoped to accomplish that which attempts to obtain foreign armed intervention had failed to secure. The object in both lines of policy was the same; but the methods used were different. If Papal Supremacy, political and religious, could not be obtained by one plan, another might be more successful. These marriage negotiations were commenced by Queen Anne, wife of James I. This lady, when in Scotland, had been secretly received into the Church of Rome by Father Abercrombie, S.J., and remained in full, but secret, communion with that Church until her death in 1619; yet, throughout all these years she was outwardly a Protestant, attending, after her arrival in England, the services of the Church of England, though she refused to receive Holy Communion at the hands of its Ministers.[1] During the whole of this period she was passionately devoted to Spanish interests, and furthered them to the utmost of her power, and at the same time she used her influence with the King to secure the appointment of Romanists to positions of influence in the State. I have no doubt that it was at the instigation of her Jesuit Father Confessors that, as early as 1604, she had set her heart on a marriage between her eldest son,

[1] For the full story of her secret reception and double life, see my *Jesuits in Great Britain*, pp. 204–217.

Prince Henry, then heir to the Throne, and the Infanta of Spain, who, at that time, was heiress to the Spanish Throne. It was at once seen that such a marriage would, if a son were born to it, result in the Crowns of England and Spain being eventually placed on one head, and that a Roman Catholic head, thoroughly devoted to the interests of Spain. The marriage would have rung the death-knell of Protestant liberties in the British dominions; and the establishment once more of Papal Supremacy in these Realms. The negotiations, owing to the extreme youth of Prince Henry, were postponed until 1611, when the King of Spain made it known that he could only consent to such a marriage on the condition that the Prince should join the Church of Rome, after being instructed in that faith while residing for a time in Spain. But these negotiations were brought to an end by the death of the Prince, in 1612.

Ever since the issuing of the Papal Briefs against the Oath of Allegiance, those who suffered through obedience to them were very naturally urgent with the Pope to devise some means whereby they could render satisfaction to the King and his Government, consistently with obedience to Papal authority. But the Pope turned a deaf ear to all their appeals. The fact is he did not wish the English Romanists to be loyal, or to give any public proof of their loyalty to a Protestant Sovereign. The Arch-priest Birkhead, who took an active part in opposition to the Oath, was yet anxious that the Pope should do something to relieve the Romanists from the difficult position in which they were placed. In a letter which he wrote, on July 26, 1610, to Dr. Richard Smith, then agent in Rome for the English priests (and, subsequently, titular Bishop of Chalcedon), he tells him that he thought "no Catholic would be sorry if such a Brief were obtained" from the Pope, in which "he would expressly and most strictly command all Catholics of the Realm, both laics and ecclesiastics, under censure of excommunication, *ipso facto*, to be in-

curred, neither to confederate, plot, consent to, or execute any violence, hurt, or prejudice, against his Majesty's person; but they all should carry themselves in all temporal and civil affairs as it becometh good and obedient subjects, to their lawful and undoubted Sovereign." Birkhead added that if such a Brief could be obtained from the Pope, "there is great hope, and not ungrounded, conceived of much ease and mitigation of pressures to follow to the body of Catholics thereby." [1] He urged Dr. Smith to do his utmost to obtain such a Brief; but it was all in vain. Papal pride and Papal Temporal Power were thought by the Pope to be of more consequence than the cries and miseries of his own spiritual children. Father Mush, writing on August 19, 1611, to Father More, who was then agent in Rome for the English priests, remarks: "The Jesuits report that [Pope] Paul hath prohibited all here [in England] to give the King any Oath of Temporal Allegiance, unless it be first approved at Rome. This scandalises all sorts of Catholics exceedingly, that he should so little regard our affections; for they looked rather his Holiness should have sent them a lawful Oath of Allegiance, which every one might have had in readiness at all assays, and whereby there might have been conformity amongst us, than to forbid a lawful thing, we being in so great extremities, and our means of sending to Rome so little and so difficult, or rather impossible, till all be undone. The axe is over our heads, to fall if we refuse; and we must send to Rome! Oh! how great care whether we perish or be safe!" [2]

Soon after the death of Prince Henry, James commenced negotiations with the King of Spain for a marriage between Charles, Prince of Wales (who had become heir to the Throne on the death of his brother), and the Infanta Maria of Spain. To further his objects James began to show favours to Roman Catholics, and to relax the Penal Laws. The Parliament of 1614 begged his Majesty to inquire into the

[1] Tierney's *Dodd's Church History*, vol. iv. pp. clxvi., clxvii.
[2] *Ibid.*, p. clxxix.

causes of the unexpected increase of Popish Recusants, which they attributed to the admission of the Popish nobility into his Councils. They also complained of the efforts which had been made to marry the late Prince Henry to a Popish Princess, and which were then being renewed on behalf of Prince Charles, "which disheartenеth the Protestant and encourageth the Recusant."[1] The marriage negotiations were prolonged, so much so, indeed, that the marriage contract was not signed until 1623. Meanwhile, the Protestant discontent grew throughout the country, and once more found expression in a Petition and Remonstrance from the House of Commons addressed to the King in December 1621, in which they call attention to the increase of Popery, and in a list of these "great and growing mischiefs" they specify "the expectation of the Popish Recusants of the Match with Spain, and feeding themselves with great hopes of the consequences thereof. The interposing of foreign Princes and their agents, in behalf of Popish Recusants, for connivance and favour unto them"; as also "the swarms of priests and Jesuits, the common incendiaries of all Christendom, dispersed in all parts of your Kingdom." Popery, the Commons reminded the King, "hath a restless spirit, and will strive by these gradations. If it once get but a connivance, it will press for a toleration; if that should be obtained, they must have an equality; from thence they will aspire to superiority, and will never rest till they get a subversion of the true religion." They suggest several remedies for these mischiefs, including the enforcement of the Penal Laws against the Romanists; and they express a hope that "to frustrate their [Romanists'] hopes for a future age our most noble Prince may be timely and happily married to one of our own religion."[2] It would have been well for the country, and saved it from many years of trouble, if the advice of the House of Commons, that Prince Charles should marry a Protestant, had been

[1] *Parliamentary History*, vol. v. p. 305, edition 1751.
[2] *Ibid.*, pp. 487–490.

acted on. To promote the Spanish marriage, and please the King of Spain, James ventured, on his own responsibility, to dispense, as far as possible, his subordinate officers from enforcing the laws against Popish Recusants. When writing about the events of the year 1621, Collier remarks: "And now to give a smoother course to the Treaty of the Spanish Match, and procure better quarter for the Protestants in Roman Catholic countries,[1] the King thought fit not to insist on the rigour of the laws, but discharged some Popish Recusants upon their giving sufficient securities for appearance and good behaviour." The Lord Keeper, Williams, was ordered to write to the Judges to this effect:—

"That the King having upon deep reasons of State, and in expectation of the like correspondence from foreign Princes to the professors of our religion, resolved to grant some grace to the imprisoned Papists, had commanded him to pass some writs under the Broad Seal for that purpose. Wherefore it is his Majesty's pleasure, that they make no niceness or difficulty to extend his Princely favour to all such as they shall find prisoners in the gaols of their circuits, for any Church recusancy, or refusing the Oath of Supremacy, or dispersing of Popish books, or any other point of recusancy that shall concern religion only, and not matters of State." [2]

James was willing to do far more than this in the interests of the Church of Rome, if by so doing he could secure a rich Spanish wife for his son. On July 20, 1623, he solemnly swore to support a series of articles, as contained within the Treaty of Marriage, in the following terms:—

"It is agreed that we, by our Oath, shall approve the articles under expressed to a word.

"1. That particular laws made against Roman Catholics, under which other vassals of our Realms are not comprehended, and to whose observation all generally are not obliged; as like-

[1] In which he signally failed. The Protestants in Spain gained nothing.

[2] Collier's *Ecclesiastical History*, vol. vii. pp. 426, 427, edition 1846.

wise general laws under which all are equally comprised, if so be they are such which are repugnant to the Romish religion, shall not at any time hereafter, by any means or chance whatsoever, directly or indirectly, be commanded to be put in execution against the said Roman Catholics; and we will cause that our Council shall take the same Oath, as far as it pertains to them, and belongs to the execution, which by the hands of them and their Ministers is to be exercised.

"2. That no other laws shall hereafter be made anew against the said Roman Catholics, but that there shall be a perpetual toleration of the Roman Catholic religion within private houses throughout all our Realms and Dominions, which we will have to be understood as well of our Kingdom of Scotland and Ireland, as in England, which shall be granted to them in manner and form as is capitulated, decreed, and granted in the Articles of Treaty concerning the marriage. . . .

"3. That we will interpose our authority, and will do as much as in us shall lie, that the Parliament shall approve, conform, and ratify all and singular articles in favour of the Roman Catholics, capitulated between the most renowned Kings, by reason of this marriage; and that the said Parliament shall revoke and abrogate the particular laws made against the said Roman Catholics, to whose observance also the rest of our subjects and vassals are not obliged; as likewise the general laws under which all are equally comprehended, to wit, as to the Roman Catholics, if they be such as is aforesaid, which are repugnant to the Roman Catholic religion: and that hereafter we will not consent that the said Parliament should ever at any time enact or write any other new laws against Roman Catholics."[1]

In this way James I. was willing, from merely selfish motives, to remove every barrier which the laws had erected to keep back the inroads of the Papal power, both political and spiritual. It is fortunate for us, who live in the twentieth century, that the exercise of the Royal Prerogative, for the purpose of dispensing with the laws, was annihilated by the Bill of Rights. We may be quite sure that English Protestants rejoiced when they heard that the marriage negotiations were broken off; though, as it unfortunately happened, only to lead on to other and similar negotiations in France, which ended in the marriage of

[1] Prynne's *Hidden Works of Darkness*, pp. 44, 45.

Prince Charles to the Roman Catholic Princess Henrietta Maria, daughter of Henry IV., King of France. What would in all probability have happened had diplomacy succeeded and the Spanish marriage taken place is thus described by Gardiner: "A Spanish Infanta was to become the future Queen of England, and the mother of a stock of English Kings. In the course of nature her child would, within forty or fifty years, be seated on the Throne of Henry and Elizabeth. A Roman Catholic Sovereign—for what else could he be?—would have the power of loosing the tongues of the Jesuits, of stopping the mouths of the defenders of the faith. All Court favour, all power of lulling men's consciences to sleep by the soporific potion of place or pension, would be in his hands. It was he who would make the Judges; it was he who would make the Bishops; and who might, therefore, in the language which has sometimes been attributed to James, make both law and Gospel. If all other means failed, he would have at his disposal the arms of his Spanish kinsman—the Lord, it might be feared, by right of England's cowardice, of half of Germany, and of the territory that had once been held by the Dutch Republic."[1] Many of the evil results here anticipated actually came to pass when Charles married Henrietta Maria of France. It would be impossible to overestimate the assistance given to Popery, and the injury to Protestantism which may be attributed to the Roman Catholic wives of the Stuart Sovereigns—James I., Charles I., Charles II., and James II. And it was the knowledge of this which induced the Parliament, soon after the Revolution, to pass a law making it illegal for the Sovereign to marry a Roman Catholic wife, under penalty of losing the Crown.

The Parliament of 1624 sent a petition to the King, asking him to enforce the laws against Popish Recusants; to banish all Jesuits; and "That upon no occasion of marriage, or Treaty, or other requisite in that behalf, from

[1] Gardiner's *History of England*, vol. iv. p. 246.

any foreign Prince or State whatsoever, you will take away or slacken the execution of your laws against Jesuits, priests, and Popish Recusants." In his reply James promised to grant all that the petition asked for, and as to marriage Treaties specially, he added: "Therefore assure yourselves that, by the grace of God, I will be careful that no such conditions be foisted in upon any other Treaty whatsoever; for it is fit my subjects should stand or fall by their own laws."[1] Those who thought they could rely on the word and solemn promises of their King soon found out their error. Later on, in 1624, the House of Commons sent another petition to the King against Popish Recusants holding public offices, and requesting that they might be deprived of their positions. With the petition they forwarded a lengthy list, containing "The names of all such persons as are certified to have places of charge or trust in their several Counties, and are themselves Popish Recusants, or non-Communicants."[2]

Notwithstanding his promises to Parliament the King was bent on negotiating a Marriage Treaty between Prince Charles and Princess Henrietta of France, even though concessions to English Romanists should be part of the price he gave to obtain it. When news of what was going on became known in England it was found that the proposed marriage was very unpopular. But James persevered, and had the satisfaction of swearing, on December 12, 1624, to observe a fresh set of marriage articles. It was agreed that Charles "shall be affianced and contracted after the manner accustomed in the Catholic and Romish Church"; that the Princess should have a Chapel in each of the King's Palaces and Houses, suitably adorned and decked, where the Mass should be offered. One Churchyard should be allotted in the City of London, for the burial of any in her household who should die while serving her. All her household servants should be Romanists and French;

[1] *Parliamentary History*, vol. vi. pp. 128–132.
[2] *Ibid.*, p. 322.

she should have a Roman Catholic Bishop as her Great Almoner; and no fewer than twenty-eight priests to attend to the spiritual requirements of her household. "If it shall at any time happen that any secular Court shall take any of the foresaid priests into their power, by reason of any crime or offence against the State by him committed or done, and do find him to be guilty thereof, yet shall the said Court send him back to the said Bishop [her Almoner], with the informations which they find by him, because the said priest is privileged from their power; and the said Bishop, when he shall understand and know so much, shall degrade the said priest, and afterwards send him back unto the foresaid secular Court to do justice upon him." It was further agreed that all Roman Catholics, both priests and laymen, imprisoned in England since the last Royal Proclamation, should be set at liberty; that English Romanists should be no more searched after or molested for their religion; and that the goods of all Romanists seized since the last Proclamation should be restored to them.[1] Bellesheim adds that it was also agreed that: "*The children who may be the issue of the marriage shall be brought up in the Catholic religion until their thirteenth year.*" [2] This section relating to the children of the marriage was secret. Had it been made public at that time, a storm of indignation would have arisen, which would probably have prevented the marriage taking place. Father Cyprien of Gamache, one of Henrietta's Chaplains in England, states that "one of the most important articles" of the marriage was "that the children born of it should be brought up and instructed in the Catholic, Apostolic, and Roman religion till the age of fourteen or fifteen years." [3]

On the eve of her marriage Henrietta Maria wrote to Pope Urban VIII.: "Following the good training and instructions of the Queen, my mother, I have thought it

[1] Prynne's *Hidden Works of Darkness*, pp. 70, 71.

[2] Bellesheim's *History of the Catholic Church in Scotland*, vol. iii. p. 431.

[3] *The Court and Times of Charles the First*, vol. ii. p. 306.

my duty to render, as I do, very humble thanks to your Holiness, that you have been pleased, on your part, to contribute hereto [*i.e.* "the safety of my conscience and the good of religion"]; giving you my faith and word of honour, and in conformity with that which I have given to his Majesty [the King of France], that if it please God to bless this marriage, and if He grant me the favour to give me progeny, I will not chose any but Catholics to nurse or educate the children who shall be born, or do any other service for them, and will take care that the officers who choose them be only Catholics, obliging them only to take others of the same religion." [1]

King James did not live to see the realisation of his wishes for his son. He died on March 27, 1625. It cannot be said that his subjects had any cause to mourn his loss. He had been largely influenced, since his accession to the Throne of England, by his wife, who was, as I have already stated, secretly a member of the Church of Rome, while publicly attending the services of the Church of England. The people of England thought they had a Protestant Queen, and but very few knew the real facts. Under the disguise of a Protestant she was able to help on the cause of the Church of Rome in England, both doctrinally and politically, far more efficiently than if she had publicly professed herself a Romanist. The miseries which the Stuart Kings and their wives brought upon the country may be traced back to Queen Anne of Denmark as their source. Wellwood truthfully says of James I. that "from his first accession to the Crown, the reputation of England began sensibly to sink; and two Kingdoms which, disunited, had made each of them apart a considerable figure in the world, now, when united under one King, fell short of the reputation which the least of them had in former ages. The latter years of King James filled our Annals with little else but misfortune at home and abroad . . .

[1] *Letters of Queen Henrietta Maria*, edited by Mary Everett Green, p. 9.

and he left in legacy to his son a discontented people; an unnecessary, expensive war; an incumbered revenue, and an exhausted Treasury. . . . In fine, he entailed upon his son all the miseries that befell him; and left in the minds of his subjects those sparks of discontent that broke out some years after into a flame of Civil War, which ended in the ruin of King Charles, and of the Monarchy with him." [1]

[1] *Memoirs of Transactions in England*, by James Wellwood, M.D., pp. 19–20, third edition, 1700.

CHAPTER XX

CHARLES I.

Papists "Dissembling their Religion"—Charles and his Roman Catholic Queen—Pope Urban VIII. urges Roman Catholic Kings to invade England—Charles I. helps the French King to fight the Huguenots—English Sailors refuse to fight against French Protestants—English Romanists present a Declaration of Loyalty—The Irish Loyal Remonstrance—Three Loyal Propositions censured by the Pope—Father George Gage's Suggestions to suppress the Scotch Covenanters—The Pope forbids English Romanists to help the King—The Irish Rebellion of 1641—Started in a Time of profound Peace—The Object of the Rebels to exterminate the Heretics—Pope Urban VIII. sends the Rebels a Bull to encourage them—Pope Innocent X. sends Rinuccini as Nuncio to the Rebels—Sends with him Money and Ammunition—The Pope's Instructions to Rinuccini—The Nuncio urges the Irish to fight for a Protestant King—The Pope severely Censures him for doing so—A Jesuit's murderous Letter to the Irish Rebels—The Nuncio saves the Jesuit from Censure—The Nuncio tries to separate Ireland from the Crown of England—Objects to the Government of a Heretic.

CHARLES I. had sworn to observe all the articles of his Marriage Treaty, but he had not been long on the Throne ere he violated several of them. In 1625 both Houses of Parliament united in a petition to the King calling attention to the growth of Popery, and requesting him to enforce the existing laws against the Jesuits and Popish Recusants. They complained that those laws had not been executed, "partly by the connivancy of the State, partly by defects in the laws themselves, and partly by the manifold abuse of officers," and also by "the interposing of foreign Princes by their Ambassadors and agents in favour of them"; and, further, that "sundry Popish scholars, *dissembling their religion*, have craftily crept in, and obtained the places of teaching in divers Counties." They requested that "none of your natural-born subjects, not professing the

true religion by law established, be admitted into the service of your Royal Consort, the Queen"; and that "no man, that shall be suspected of Popery, be suffered to be a Keeper of any of his Majesty's Prisons." All these requests Charles promised to faithfully grant and observe.[1] It will be observed that Parliament did not request the King to remove French priests, laymen, or ladies from the Queen's service; but only his "natural-born subjects." The King further promised that none of his subjects would be permitted to attend Mass in any of the Chapels attached to the residences of Foreign Ambassadors.

Charles gave very great pleasure to his subjects, soon after this Petition was presented to him, by going hurriedly down to Somerset House, his Queen's residence, and ordering her Bishop, nearly all her priests, and her lay attendants to leave the house at once, and go back to France. Certainly they were far more numerous than necessary; but this ought to have been prevented when the Marriage Treaty was drawn up. Their presence gave just alarm in London, where such a large body of foreigners, who, though in the service of the Queen of England, owed no obedience to the laws of the country in which they resided, and in which the priests were actively engaged in promoting political work in the interests of Rome, and in proselytising amongst the upper classes, were a very real danger. Father Tierney says that this dismissal of the Queen's servants was not "caused immediately by the remonstrance and petition of the two Houses. They proceeded from the private bickerings between Charles and his Queen, and were accelerated probably by the imprudent conduct of Henrietta's foreign attendants."[2] Whatever may be said about Charles' breach of faith on this occasion, it cannot be denied that he compensated the expelled servants of the Queen on a very liberal scale. He distributed no less than £22,602 amongst them, which, at the value of

[1] *Parliamentary History*, vol. vi. p. 378.
[2] Tierney's *Dodd's Church History*, vol. v. p. 162.

money at that time, must be considered a very large sum.[1] The Pope, Urban VIII., was furious when he heard about the expulsion. "No sooner," writes Father Tierney, "had intelligence arrived in Rome that the Queen's servants had been dismissed, than Urban resolved to employ the whole weight of his influence in the vindication of her cause. With this view, he wrote to Louis and the King of Spain, exhorting them to arm in the defence of God, and to unite in chastising the insolence of a nation whose impiety called to heaven for vengeance. At the same time, also, he addressed letters to the Queen Mother, to Richelieu, and to the other Ministers of France: he ordered his Nuncio Spada to open a communication with the Spanish Cabinet, through the intervention of the Ambassador; and he enjoined him to use every means at his disposal to induce the two Powers to lay aside all feelings of jealousy, and to act in concert with each other and with the Court of Rome, in punishing the perfidy of the English King. In consequence of these exhortations, a negotiation for an offensive alliance was secretly opened."[2] In this way did this so-called "Vicar" of the Prince of Peace seek to stir up a European war for the purpose of injuring a Protestant nation, in the hope, no doubt, that in this way Papal Supremacy might be once more established in England.

Ranke gives details of this Papal conspiracy against the Throne and independence of England. He states that:—

"Urban, intoxicated by his present prosperity, aspired to a yet more daring project—an attack upon England. This plan from time to time reappeared, by a sort of necessity, in the grand Catholic schemes. The Pope now hoped to avail himself of the renewed good understanding between England and France for that purpose.

"He first represented to the French Ambassador, how offensive it was to France, that the English by no means adhered to the promises made at the marriage. Either

[1] *The Court and Times of Charles I.*, vol. i. p. 120 (London, 1848).

[2] Tierney's *Dodd's Church History*, vol. v. p. 163.

Louis XIII. ought to compel the English to fulfil their engagements, or to wrest the Crown from a Prince who showed himself, as a heretic before God, and a violator of his word before men, unworthy to wear it.

"He next addressed himself to the Spanish Ambassador, Oñate. The Pope said that, were it merely from his duty as a Knight, Philip IV. was bound to succour the Queen of England, his near kinswoman, who was now suffering oppression on account of her religion.

"As soon as the Pope perceived that he might indulge any hope of a favourable result, he committed the negotiation to Spada, the Nuncio at Paris. Among the influential men of France, Cardinal Berulle, who had conducted the negotiations concerning the marriage, embraced this idea with the greatest eagerness. He calculated how the English trading vessels might be captured on the French coasts, and the English fleets burnt in their own harbours. Olivarez adopted the plan, and took immediate measures for its execution. Former perfidies of France might indeed have made him pause and doubt, and another great statesman, Cardinal Bedmar, opposed it on that ground; but the idea was too grand and comprehensive to be rejected by Olivarez, who in all things loved the dazzling and magnificent.

"*The negotiation was carried on with the utmost secrecy;* even the French ambassador in Rome, to whom the first disclosures had been made, learned nothing of its further progress. The articles of the treaty were drawn up by Richelieu, corrected by Olivarez, and adopted, with his amendments, by Richelieu. On the 20th April, 1627, they were ratified. The French engaged immediately to begin their armament, and to put their ports in a state of defence. The Spaniards were ready that same year to commence the attack, and it was agreed that the French should come to their aid with all their forces in the following spring.

"It does not appear very clearly, from our accounts, how Spain and France intended to divide the spoil; but this much is evident, that even in this matter the Pope

was not forgotten. Berulle disclosed to the Nuncio, in the profoundest secrecy, that *if they were successful, Ireland was to fall to the share of the Holy See;* in which case the Pope would probably govern it by a Viceroy. The Nuncio received this communication with extreme satisfaction; he, however, recommended his Holiness not to allow the least rumour of it to get wind; lest it should appear as if their schemes for the advancement of religion were in any degree mixed with worldly considerations." [1]

At about this period a great deal of public indignation was directed against the young King, owing to the assistance he had promised to give to the King of France, to enable him to fight against the Huguenots, for the purpose of destroying their religious liberty. In this, however, he was only fulfilling a promise which his father had made to France. Its King was unable to capture Rochelle, a stronghold of the Huguenots on the coast, without a more powerful navy than he possessed. His Prime Minister, Cardinal Richelieu, thereupon asked King James to lend him some ships to fight his Protestant subjects. The Duke of Buckingham, in James' name, promised to lend them. When James heard about it he quite approved of the promise, adding: "If those rascally Huguenots mean to make a rebellion, I will go in person to exterminate them." [2] A few days before the death of James, contracts were signed which temporally made over to the King of France the *Vanguard*, a ship of the Royal Navy, together with seven merchant vessels which had been hired from their owners for the purpose. These were to be lent to France for any period up to eighteen months. Pennington, who was in command of these eight ships, received contradictory commands from those in authority, some urging him to help Louis, the French King, at once; while others told him he must on no account fight against their French Protestant brethren. It is certain that Charles favoured

[1] Ranke's *History of the Popes*, vol. ii. pp. 535–538, edition 1840.
[2] Gardiner's *History of England*, vol. v. pp. 305, 306.

the policy of fighting the Huguenots, though for a time he dissembled his wishes. On June 9, 1625, the English ships sailed for Dieppe. Pennington's difficulty then was, says Gardiner, "to know what his instructions were. He knew that by the contract he was bound to serve against the Huguenots if the French Government ordered him to do so. He knew that by Coke's letter he was prohibited from doing anything of the sort. When he arrived at Dieppe he found that every Frenchman whom he met told him that his ships were wanted for an attack upon Rochelle."[1] Pennington soon found, however, that, whatever he was willing to do, his crews refused to fight against their Protestant brethren in France; and this attitude compelled him, on June 27, to leave Dieppe and sail with his eight ships to Stokes Bay. When Charles heard of their return to England his first impulse, says Gardiner, "was to assert that Pennington had been in the right, and even to suggest that the ships were not bound to fight against Rochelle; but it was impossible for him to maintain this view of the case in the face of the French Ambassadors, who knew perfectly well that, whatever the letter of the contract might be, there had been a full understanding that the ships were originally offered with the object of overcoming the resistance of the Huguenots."[2] The attitude of the sailors under Pennington added to the difficulties of the King. If they had been willing to fight the Huguenots, the eight ships would already have been handed over to the French King; but now there seemed to be no hope that they would change their attitude. The Captains and owners of the borrowed ships sent in a protest on July 11, in which they declared that "for serving against them of our religion, it is very well known that our seamen generally are most resolute in our profession; and these men have expressed it by their common petition that they would rather be killed or thrown overboard than be forced to shed

[1] Gardiner's *History of England*, vol. v. p. 379.
[2] *Ibid.*, p. 381.

the innocent blood of any Protestants in the quarrels of Papists, so as they will account any commandment to that end to be in a kind an imposition of martyrdom." The next move was made by the Duke of Buckingham, who wrote to Pennington, ordering him to take the ships back to Dieppe, and there to give them up to the French. But the Captains of these ships were then away at Rochester holding a conference, and their crews point-blank refused to take them to France until their Captains returned to their ships. Pennington wrote to Buckingham: "I have a strange uproar in my ship amongst my own company upon this news of going over again, I having much ado to bring them to it, though I keep all from them, and make them believe we go over on better terms than formerly." In this way he managed, by deception, to remove the difficulties in the minds of the Protestant seamen, whose conduct throughout is worthy of high praise; and with the result that towards the end of July they were all back in Dieppe once more.[1]

At last definite and positive orders were received direct from Charles himself, telling Pennington what to do. It was a most disgraceful letter for any Protestant King to write, and, apparently, it was written throughout in his own handwriting. It was as follows:—

"Charles R.

"*Pennington.*

"These are to charge and require you, immediately upon sight hereof, that without all difficulty and delay, you put Our former commandment in execution, for the consigning of the ship under your charge, called the *Vanguard*, into the hands of the Marquess de Effiat, with all her equipage, artillery, and ammunition, assuring the officers of the said ship whom it may concern, that we will provide for their indemnity. And we further charge and command you, that you also require the seven merchant ships in Our name, to put themselves into the service of Our dear brother the French King, according to the

[1] Gardiner's *History of England*, vol. v. pp. 382–387.

promise made unto him; and in case of backwardness or refusal, We command you to use all forcible means in your power, *to compel them thereunto, even to their sinking;* and in these several charges see you fail not, as you will answer the contrary at your utmost peril. And this shall be your sufficient warrant.

"Given at our Court at Richmond, July 28, 1625." [1]

The result of this scandalous order is described by Prynne, who wrote in 1645: "Upon receipt of this warrant, Captain Pennington (as I have been certainly informed from very credible persons of note, privy to the transactions of this business) threatened to shoot and sink the ships, and hang up the mariners that refused to yield obedience, and serve against Rochelle. But they all unanimously declined the service, bidding him do his pleasure with them; for go against the Rochellers they would never; but if they were commanded upon any other service not against the Protestants, they would obey. Whereupon those who refused to serve in this expedition, were commanded to quit the ships and return to England; which all did but two (who soon after came to desperate ends, the one being blown up with gunpowder, the other drowned or slain). Upon this the English ships were, according to this direction, delivered to the French, manned with Frenchmen and other foreigners, and joining with some more vessels of the French King, destroyed the Rochelle Fleet, blocked up their haven, and ruined that famous Protestant City, with most of the Protestants in it." [2]

In 1627, the Act 3 Charles I., cap. 2, was passed, having for its object "to restrain the passing or sending of any to be Popishly bred beyond the Seas." It provided that if any person sent a child or other person abroad "to the intent and purpose to enter into, or be resident or trained up in, any Priory, Abbey, Nunnery, Popish University, College, or School, or House of Jesuits, priests, or

[1] Prynne's *Hidden Works of Darkness*, p. 85.
[2] *Ibid.*, p. 85.

in any private Popish family"; then, if lawfully convicted, he "shall be disabled from thenceforth to sue or use any action, bill, plaint or information in course of law . . . or [to be] executor or administrator to any person, or capable of any legacy or deed of gift, or to bear any office within the Realm; and shall lose and forfeit all his goods and chattels, and shall forfeit all his lands." Whatever may be thought of the severity of the penalty, the Government had good reasons for preventing, as far as possible, the education of young Roman Catholics in foreign Seminaries and Colleges, where, it was feared, they would be trained in disloyalty to a Protestant Sovereign. The Act could not affect poor Romanists, who certainly could not afford to send their children abroad; while the wealthy Romanists could in most cases educate their own children in private, both in secular and religious knowledge.

During the reign of Charles I. the laws against Romanists were not enforced to the full. Through the influence of the Queen many favours were granted her co-religionists, and, if she could have had her way, the penal laws would probably have been removed from the Statute Book. And, assuredly, the leaders of the Romanists did but little or nothing to remove the distrust of their proceedings throughout the country, a few flattering and meaningless words excepted. The efforts of the Papal agents who secretly worked in the English Court, and amongst the influential classes, I will relate in another chapter. They did nothing to benefit the King, though they materially assisted the cause of the Pope. The letter of Pope Urban VIII. to the French King, dated May 30, 1626, already cited (page 294), was well fitted to exasperate English Protestants; in which he told him that the English Romanists, rather than take the Oath of Allegiance, "to lose their lives in the midst of torments, than to fall away, by that kind of Oath, from Christ that reigneth in the Popes." [1]

English Roman Catholics would at this time have taken

[1] *Clarendon State Papers*, vol. i. p. 64, 8vo edition, 1767.

the Oath of Allegiance in large numbers were it not for these Papal prohibitions. They could gain no comfort from the Pope, and therefore, about the year 1640, a number of them united in a Declaration of loyalty, which was drawn up by Father Cressy. The concluding portion of this Declaration was as follows:—

"And to wipe away that odious suspicion and unworthy aspersion of disloyalty, which the factious practices of some few particular and ungodly Catholics have drawn upon all your petitioners' heads in general (especially among the vulgar), and which some think must needs follow from their tenets, and dependence of the Pope's authority, give them leave here prostrate at your feet to offer unto you with all humility this public and solemn protestation of their true and faithful allegiance to their King and country, as a sacred testimony of their conscience, which I (*sic*) doubt not but they are ready to sign with their hands and hearts, and seal with their blood. The Catholics of England do acknowledge and profess King Charles, now reigning, to be their true and lawful King, Supreme Lord, and rightful Sovereign of this Realm, and of all other his Majesty's Dominions. And therefore they acknowledge themselves to be obliged under pain of sin to obey his Majesty in all civil and temporal affairs, as much as any other of his Majesty's subjects, and as the laws and rules of government in this Kingdom do require at their hands. And that notwithstanding any power or pretension of the Pope, or See of Rome, or any sentence or declaration of what kind or quality soever, given or to be given by the Pope, his predecessors or successors, or by any authority, spiritual or temporal, proceeding or derived from him, or his See, against their said King or country.

"And they do openly disclaim and renounce all foreign power, be it either Papal or Princely, spiritual or temporal, inasmuch as it may seem able, or shall pretend to free, discharge, or absolve them from this obligation; or shall any way give them leave or licence to raise tumults, bear arms, or offer any violence to his Majesty's Royal person, to the High Court of Parliament, to the State or Government. Being all of them ready not only to discover and make known to his Majesty, and the High Court of Parliament, all the treasons and conspiracies made against him, or it, which shall come to their hearing; but also to lose their lives in the defence of their King and country, and to resist with their best endeavours all con-

spiracies and attempts made against their said King and country be they framed or sent under what pretence, or patronised by what foreign authority soever.

"And further, they profess that all absolute Princes and Supreme Governors, of what religion soever they be, are God's Lieutenants upon earth, and that obedience is due unto them according to the laws of each Commonwealth respectively in all civil and temporal affairs; and therefore they do here protest against all doctrine and authority to the contrary. And they do hold it impious and against the Word of God to maintain that any private subject may kill and murder the anointed of God, his Prince, though of a different belief and religion from his. And they abhor and detest the practice thereof as damnable and wicked. And, lastly, they offer themselves most willingly to accept and embrace the last Protestation of union made by the High Court of Parliament, excepting only the clause of religion. Protesting that they cannot without sin infringe or violate any contract, or break their words and promises made or given to any man, though of a different faith and belief from the Church of Rome. All which they do freely and sincerely acknowledge and protest, as in the presence of God, without any equivocation, or mental reservation whatsoever." [1]

The disturbances which ultimately led to the Civil War had at about this time commenced, and this may have been the cause why the Court of Rome took no notice of this Declaration; but when, in 1660, the portion of it which I have cited was bodily incorporated in the celebrated Irish Remonstrance, of 1660, it was at once condemned by Rome. The Rev. Charles O'Conor, D.D., says that the Declaration of 1640 was signed by seven English Roman Catholic Peers, and twenty-seven Roman Catholic Esquires.[2] When the Irish Remonstrance was made known to the Papal authorities it excited the utmost indignation. De Vecchis, Papal Nuncio at Brussels, who had the superintendence of Irish and English Romanists, summoned the ecclesiastics who had signed it, says O'Conor, "to appear before him as such ["heretics"] in Flanders, and to be

[1] *Exomologesis; or, A Faithful Narration*, by Hugh-Paulin de Cressy (Paris, 1647), pp. 76–79.

[2] O'Conor's *Historical Address*, part ii. p. 145.

sent into exile to Spain and Italy, where they should be tried by the Inquisition. He (De Vecchis) added that the Remonstrance contained damnable doctrines, which were condemned by two successive Pontiffs, Paul V. and Innocent X., when King James proposed his Oath of Allegiance in 1606; he . . . exhorted the Irish to martrydom rather than, by signing such a damnable document, to apostatise." [1] The Nuncio closed his letter on this subject with these remarkable words: "His Holiness does not mean by this censure to prevent the Irish from professing loyalty to their King sincerely and with all their hearts—on the contrary, he exhorts them so to do, *provided it be that sort of allegiance* which is consistent with their religion." [2] This meant, "You may give a *devoted* allegiance to your Sovereign, subject to the superior power by the Pope to depose him." "It is impossible," says Dr. O'Conor, "to account for the opposition of the Court of Rome to the Loyal Remonstrance, upon any other principles than those which I have already mentioned. First, the Pope's claim to the Dominion of Ireland; secondly, his claim to a Divine right of crowning and uncrowning Kings, which the Remonstrance abjures; thirdly, the unwillingness of that Court to retract any principle it had ever asserted. . . . I envy no man his honesty, if he affects not to see; or his talents, if he is such a block as not to perceive, that down from the defection of Henry VIII., the grand object of Roman intrigues in Ireland was to assert the claims of the Roman Court to the supreme Dominion of our country." [3] The history of the English Declaration of 1640, and the Irish Remonstrance of 1660, may serve to show how little value should be attached to professions made by Roman Catholic Bishops, priests, or people, to which the Court of Rome has not given assent. The action of the Court of Rome on this occasion is all the more to be deplored because, says Sir John Throckmorton, "a

[1] O'Conor's *Historical Address*, part ii. pp. 159–161.
[2] *Ibid.*, p. 178.
[3] *Ibid.*, pp. 193, 194.

prospect was held out to the Catholics of Ireland, that, by signing the Remonstrance, they might obtain the free exercise of their religion." [1]

The hatred of the Papacy towards professions of full allegiance to a Protestant Sovereign was again seen in 1647, when proposals of toleration were made to English Roman Catholics, provided they would agree to and sign the negative of the three following propositions :—

"1. That the Pope, or the Church, have power to absolve all persons, of whatever quality they may be, from the obedience due to the civil Government, established in the Kingdom of England.

"2. That it is lawful in itself, or by the dispensation of the Pope, to violate a promise, or oath, made to a heretic.

"3. That it is lawful, by the dispensation, or by the commandment of the Pope, or of the Church, to kill, destroy, or outrage, and offend, in any other matter, any person whatever, or several persons, of what condition soever they be, for this reason, that they are accused, condemned, censured, or excommunicated for error or heresy."

Fifty-nine Roman Catholic English gentlemen signed the negative of these propositions, as also several priests.[2] Throckmorton says that the denial of these affirmations was, in the following year, "condemned by Innocent X., and the subscribers of them censured by a particular Decree." [3] Butler does not deny that the Pope condemned them, and published his condemnation, but he thinks it "very doubtful"; yet he adds that: "It appears likely that, being unwilling to permit an express denial of his deposing power, but afraid of formally asserting it, the Pope signed a condemnation of the document in question, but withheld the publication of the instrument of condemnation." [4] I agree with the comment on the Pope's conduct by a modern author, who writes: "It is to be remarked

[1] *Letter to the Catholic Clergy of England*, by Sir John Throckmorton, Bart., 1792, p. 155.

[2] Butler's *Memoirs of English Catholics*, vol. ii. pp. 414, 415.

[3] Throckmorton's *Letter to the Catholic Clergy of England*, p. 145.

[4] Butler's *Memoirs of English Catholics*, vol. ii. pp. 415, 416.

that the condemnation did not specify any particular article to which the Pope and Congregation objected. All were condemned alike without distinction, and the English people were left under the impression that the three propositions, taken affirmatively, were articles of the Roman Catholic faith—namely, that the Pope or his Church had power to absolve subjects from their civil obedience to their Government; that it was lawful, at the command or dispensation of the Pope, or the Church, to kill and destroy persons accused, censured, or excommunicated for error, schism, or heresy; and that it was lawful in itself, or by the Pope's dispensation, to break faith pledged to heretics." [1]

It is pleaded on behalf of the English Romanists at this period that they showed their loyalty to the King by assisting him in his Scotch wars with the Covenanters. It is certain that his Roman Catholic Queen was very active in this direction. Father George Gage wrote out, in 1638, what he termed "A Design to extricate his Majesty out of these present troubles with the Scots." It is in the *Clarendon State Papers*, endorsed by Windebank, Secretary of State. Gage proposed "to draw an army of 10,000 men from Flanders, with such cautionary conditions as his Majesty need not fear, and yet his ill-affected subjects should not dare to budge. Nor would a far greater army of our own men awe the subject half so much as a few foreign forces." Of course these foreign soldiers would be Roman Catholics. "Now, for the maintaining this army, questionless the Catholics of England would contribute far; but it is most probable his Holiness might be drawn to contribute as much as might maintain them for six months at least; in which time they would force the Scots to lay down their arms, and submit to his Majesty's pleasure," which, we know, was the forcing of Episcopacy and a Liturgy on the unwilling Scots. This foreign army was not only to subdue the Scots, but also to frighten the

[1] *England and Rome*, by T. Dunbar Ingram, LL.D., p. 402.

Puritan Parliament in England. "As Charles V.," pleaded Gage, "having an army ready to attend the Diet, upon pretence to secure the electors assembled about the choice of an Emperor, did so awe that Diet, as thereby himself was chosen Emperor, albeit the electors had no inclination that way of themselves: even so might the King, having a foreign army on foot, subdue the Scots therewith, and at the same instant keep the Parliament in awe, that his Majesty might easily make them come to what conditions he pleased." [1] The King seems to have approved of the design, and took steps to make it successful. He sent instructions on the subject to Father Gage's brother, Colonel Henry Gage, then in the service of the Infant Cardinal in Flanders, in which he promised that if the Spanish authorities would send over 6400 soldiers to help him in his difficulties, he would engage to send over to Flanders a sufficient number of English and Irish soldiers "to recruit and complete such English and Irish regiments and companies in the King of Spain's service in Flanders." "You must use great secrecy" in the business, Charles told the Colonel. The King could not trust his own subjects to fight for him, and therefore relied on the soldiers of a Roman Catholic Sovereign. If he had sent any of his English subjects to Flanders in exchange, I have no doubt he would have selected Puritan soldiers, so as to weaken the hands of a Puritan Parliament. Secretary Windebank took an active part in the negotiations to carry out Father Gage's "design," but, happily, it failed. The failure greatly disappointed Windebank, whose sympathies were Popish. When he heard of the refusal to help the King, he wrote to Sir Arthur Hopton, English Agent at Madrid, on March 15, 1638: "It was such an occasion slipt of putting an immense obligation upon his Majesty, as a like in all probability will not be presented again in a whole age. For the business was so laid, as those forces should have been transported into Scotland, and have

[1] *Clarendon State Papers*, vol. ii. pp. 19–21, folio edition, 1773.

surprised the Castle of Edinburgh, which would have given the Covenant a deadly blow." [1]

But however willing the Queen and English Romanists might be to help the King to fight the hated Scotch Covenanters, the proposal was not received with favour by the Pope, who wrote to Father George Conn, his agent at the English Court: "You are to command the Catholics of England in general, that they suddenly desist from making such offers of men towards this Northern expedition, as we hear they have done, little to the advantage of their discretion. And likewise it is requisite, considering the penalty already imposed, that they be not too forward with money more than what law and duty enjoins them to pay." [2] The secret cause which made the Pope unwilling that Romanists should help the King, came out in the following year when the Queen, through Cardinal Barberini, Papal Secretary of State, requested from the Pope the loan of 50,000 crowns for the payment of the soldiers fighting against the Covenanters. This was refused by the Cardinal, except on the condition that Charles should become a Romanist; but if he would only secede to the Church of Rome, then, said Barberini, "the treasury of England should be found in the Castle of St. Angelo, where it remained enchained till it might serve the necessities of the Apostolic See, and the cause of the Faith; . . . *but that never had the See given succour to heretics or schismatics;* nor could it open a door to such an example, above all, in the case of a Kingdom where liberty of conscience was established, or, rather, where it was dependent on a Parliament." [3] It would be well if statesmen of the twentieth century pondered over this candid statement of a Papal Secretary of State. It is still true that the Papacy never gives succour to so-called heretics,

[1] *Clarendon State Papers*, vol. ii. p. 30.

[2] *Ibid.*, p. 44. These Instructions of the Pope are stated to have been "endorsed by Windebank."

[3] *Memorials of John Hampden*, by Lord Nugent, vol. ii. pp. 451, 452, second edition.

except when it gains more than an equivalent for what it gives.

I have no intention to give even a brief outline of the history of the terrible Irish Rebellion of 1641, which was, of course, an attempt to alter the laws by physical force; I only wish to direct attention to a few matters connected with it, and must therefore refer my readers to the numerous books which deal fully with that uprising. It was essentially a war of religion. The Rev. C. O'Conor, D.D., declares that the Rebellion was started at "a time of profound peace, [and] great goodwill on the part of the King's Government." [1] Down to that moment, he says, "Ireland had never experienced, since the twelfth century, such a calm; never was there less provocation to rebellion." [2] "We must be content to lay the Rebellion, and all the violations of faith and perjuries which attended it, to the conduct and principles of the foreign-influenced intriguers, who argued that Ireland was in *temporals* the property of the Holy See." [3] Dr. O'Conor also cites the statement of Lord Castlehaven, a prominent Irish Peer of that time, who in his *Memoirs* declares that there was "forty years continual and flourishing peace, in all obedience to the English laws there [in Ireland], from the last of Queen Elizabeth to 1641." [4] Dr. Killen, a modern learned Presbyterian Irishman, states that in the year 1641 "Ireland appeared to be singularly tranquil. . . . Romish lawyers were permitted to practice at the bar; Romish magistrates were admitted to the bench; Romish senators sat in the Upper as well as in the Lower House of Parliament; and, in most parts of the country, the Romish worship was freely tolerated." [5] "The cause of the war," says Petty, was a desire of the Romanists to recover the Church revenue, worth about £110,000 per annum, and of the common Irish

[1] O'Conor's *Historical Address*, part ii. p. 244.
[2] *Ibid.*, p. 254.
[3] *Ibid.*, p. 291.
[4] *Ibid.*, part i. p. 31.
[5] *Ecclesiastical History of Ireland*, by the Rev. W. D. Killen, D.D., vol. ii. p. 32.

to get all the Englishmen's estates, and of the ten or twelve grandees of Ireland to get the empire of the whole." [1]

Some further light is thrown on the objects of the rebels by the letters of Father Hugh Bourke, at that time Commissary of the Irish Friars Minors in Germany and Belgium. They are printed in the *Report on Franciscan Manuscripts*, issued by the Historical MSS. Commission. The editor of this *Report* says that: "Hugh Bourke, as intermediary in the Netherlands between Rome and Ireland, was exceptionally well-informed of the state of affairs." [2] Writing on December 7, 1641, Bourke affirms that the war was "begun solely in the interest of the Catholic and Roman religion." On December 29, after mentioning that it was intended to send 20,000 English and 10,000 Scots to Ireland, to destroy all that was Catholic, he adds that "the insurgents will be able to make ready *the slaughter and destruction, not only of them, but of all that are of that nation throughout the country.*" On February 22, 1642, Bourke asserted: "It is a war merely of religion, as pertaining to his Holiness, especially as *the realm of Ireland is a fief of the Church*, and being liberated can requite his Holiness with the Peter-Pence." On April 12, 1642, he wrote to Father Luke Wadding: "The end in view is the augmentation of the temporalities of the Church, and indeed of the Apostolic See, and is well worth the travail and expense that it will involve. St. Peter's Penny, his Holiness' feudal toll, was paid in Ireland, and is a substantial interest, and that more particularly in regard of the dignity belonging to the feudal Lordship of a Realm so ancient, potent, and extensive." "*The first thing is to purge the land of heretics.*" A nephew of this same Father Luke Wadding wrote a letter to him, on July 17, 1642, in which he prays that "God shall favour our cause, so far as *the expulsion of all the Protestants.*" [3]

Another matter connected with this Rebellion, to which

[1] Cited in Bagwell's *Ireland under the Stuarts*, vol. i. p. 385.
[2] *Report on Franciscan Manuscripts*, p. viii. [3] *Ibid.*, pp. 111–163.

I wish to call attention, is the encouragement given to the rebels by Popes Urban VIII. and Innocent X. On the 25th of May, 1643, Urban VIII. gave his Pontifical blessing to the rebels by a special Bull, in which he declared that :—

"Having taken into our serious consideration the great zeal of the Irish towards the propagating of the Catholic faith, and the piety of the Catholic warriors in the several armies of that Kingdom (which was for that singular fervency in the true worship of God, and notable care had formerly in the like case, by the inhabitants thereof, for the maintenance and preservation of the same orthodox faith, called of old the land of Saints), and having got certain notice how, in imitation of their godly and worthy ancestors, they endeavour by force of arms to deliver their thralled nation from the oppressions and grievous injuries of the heretics, wherewith this long time it hath been afflicted, and heavily burdened, and gallantly do in them what lieth *to extirpate, and totally root out those workers of iniquity*, who in the Kingdom of Ireland had infected, and always striving to infect the mass of Catholic purity, with the pestiferous leaven of their heretical contagion. We, therefore, being willing to cherish them with the gifts of those spiritual graces, whereof by God we are ordained the only disposers on earth, by the mercy of the same Almighty God, trusting in the authority of the blessed Apostles Peter and Paul, and by virtue of that power of binding and loosing of souls, which God was pleased (without our deserving) to confer upon us : to all and every one of the faithful Christians in the foresaid Kingdom of Ireland now, and for the time militating against the heretics, and other enemies of the Catholic faith, they being truly and sincerely penitent, after confession, and the spiritual refreshing of themselves with the Sacred Communion of the Body and Blood of Christ, do grant a full and plenary indulgence, and absolute remission for all their sins, and such as in the holy time of Jubilee is usual to be granted to those that devoutly visit a certain number of privileged Churches, within and without the walls of our City of Rome. By the tenor of which present letters, for once only and no more, we freely bestow the favour of this absolution, upon all and every one of them ; and withal, desiring heartily all the faithful in Christ, now in arms as aforesaid, to be partakers of this most precious treasure." [1]

[1] *Contemporary History of Affairs in Ireland*, 1641–1652, edited by John T. Gilbert, vol. i. part ii. p. 632 ; Cox's *Hibernia Anglicana*, vol. ii., Appendix, pp. 55–57.

Early in 1643, Urban VIII. sent Father Scarampi, an Oratorian, to Ireland as his accredited agent to the rebels, and with him sent a quantity of arms and money. He remained for several years in Ireland, very much to the delight and advantage of the rebels. Two years later, Innocent X. sent Rinuccini as his Nuncio to the Irish Confederation. Miss Anne Hutton, who translated his letters into English, states that :—

"To give an idea of the amount and importance of the aid sent to the Roman Catholic party in Ireland by the hands of the Nuncio Rinuccini, we give an extract from a document found amongst the papers of the Archbishop of Tuam, when shot by the Protestants. From this it appears that the Nuncio was preceded to Ireland by a vessel laden with 1000 pairs of pistols, 4000 cartouche belts, 2000 sabres, 500 muskets, and 20,000 pounds of powder. Whilst in France he drew on the Holy See bills of exchange for the sum of 150,658 dollars. Cardinal Antonio Barberini, the friend and Protector of Ireland, assisted him with 10,000 crowns ; Cardinal Mazarin with 25,000 dollars." With a portion of the money the Nuncio purchased, and brought with him to Ireland, 2000 muskets, 2000 cartouche belts, 4000 sabres, 400 pairs of pistols, with holsters, and 2000 pikeheads. He spent 5400 dollars in the purchase of powder and ball.[1] In the "Instructions" given to Rinuccini by the Pope, it is evident that Innocent had in his mind the possibility that, as an outcome of the War, he might be appointed Sovereign Ruler of Ireland in temporals, for he began by telling him : "Your Excellency has been called by his Holiness to a great and glorious office—to restore and re-establish the public exercise of the Catholic religion in the Island of Ireland ; and further, *to lead her people, if not as tributaries to the Holy See, as they were five centuries ago*, to subject themselves to the mild yoke of the Pontiff, *at least* in all spiritual matters." [2] Both the Pope and the Nuncio made frequent professions of friendship to the

[1] Hutton's *Embassy of Rinuccini*, pp. x., xi. [2] *Ibid.*, p. xxvii.

King, Charles I., and exhorted his subjects to loyalty; but such professions and exhortations were nothing better than canting hypocrisy. The Queen of England, Romanist though she was, did not wish her husband to lose his Sovereignty over Ireland. Soon after Rinuccini arrived in Ireland, in a letter written to Cardinal Pamphili, Papal Secretary of State, he told him that in an interview with her, which he had in Paris before passing over into Ireland, the Queen "complained loudly of the Irish, and amongst them of O'Hartigan,[1] and the Secretary,[2] who from the first made use of the Catholic religion in general *as a pretext to throw off their allegiance to the King*, that they did not wish to make peace with him unless they saw it to be an absolute necessity, and were always adding new petitions, and more exorbitant than the last; on these two particulars she insisted with vehemence, and that *they had dared to tell her that they would fight against the King to the last drop of their blood, if they did not obtain what they desired*." [3] No doubt O'Hartigan and Bellings only expressed the real opinions of the Irish Confederation they officially represented. But, for a time, it was necessary to wear a mask. The King was useful to the rebels for a time; but in their hearts they would be glad to get rid of him, so soon as his heretical name was no longer of use to their cause. In his "Report on the State of Ireland," dated March 1, 1646, Rinuccini wrote: "I am alarmed by the general opinion of his Majesty's inconstancy and bad faith, which creates a doubt that whatever concessions he may make, he will never ratify them unless it pleases him, or, not having appointed a Catholic Viceroy, whether he might not be induced by his Protestant Ministers to avenge himself on the noblest heads in Ireland, and renew more fearfully than ever the terrors of heresy. Therefore *I am disposed to believe* that in considering the subject of

[1] O'Hartigan was a Jesuit, and Envoy of the Irish Confederation at the French Court.

[2] Richard Bellings, Secretary of the Irish Confederation.

[3] *Embassy of Rinuccini*, p. 50.

religion, which grows and is purified by opposition, *the destruction of the King would be more useful to the Irish.*" [1]

When Rinuccini arrived in Kilkenny, on November 12, 1645, he delivered a speech to the Confederate Assembly, for which he subsequently received a severe censure from Rome. "I am well aware," he said, "that persons will be found ready to circulate false rumours; endeavouring to make the public believe that I have been sent over here by his Holiness, Innocent X., for the purpose of detaching the Catholic people of Ireland from the allegiance due to his most Serene Majesty, the King of England. How very far such an assertion is from truth, the Almighty Searcher of hearts fully knows. I, therefore, publicly protest and solemnly call my God to witness, that I now do not, nor will I ever devise, approve of, or do anything which is or shall be detrimental to the honour, rights, or interest of the most august King Charles. Nay more, I now publish and make known to the Catholics of Ireland, both absent and present, that nothing on earth would give greater satisfaction to his Holiness than that the Confederate Catholics, having recovered the full and free exercise of their faith, should show unto their mighty and most Serene King, although a Protestant, every mark of subjection, assistance, and reverence." [2]

Rinuccini sent a copy of this speech to Rome, and received in reply a severe censure for speaking in favour of loyalty to a Protestant King, and urging his subjects to observe it. On May 20, 1646 (I have already quoted this censure [page 298], but think it well to reprint it here, for the sake of clearness), Cardinal Pamphili, Papal Secretary of State, wrote to him :—

"*The Holy See never can, by any positive act, approve of the civil allegiance of Catholic subjects to an heretical Prince.* From this maxim of the Holy See have arisen

[1] *Embassy of Rinuccini*, pp. 145, 146.

[2] Brenan's *Ecclesiastical History of Ireland*, p. 457, new edition.

many difficulties and disputes in England about Oaths of Allegiance; and his Holiness' displeasure is the greater, because you have left the original of this your speech in the hands of the Catholic Confederates, which, if published, will furnish heretics with arguments against the Pope's power over heretical Princes, seeing that his Minister exhorts the Catholics of Ireland to allegiance to an heretical King. You must, therefore, withdraw the original, and suppress all copies of the said speech, and never indulge in such speeches again." [1]

On September 25, 1646, Rinuccini wrote to the Cardinal, acknowledging the receipt of his letter of May 20, and at the same time exhibiting his own duplicity. "I render," he wrote, "my best thanks to your Eminence for your warning touching the expressions in my first document, which seemed to approve of the fidelity of this people to the King; and I shall have greater reason than ever in the present Revolution to avail myself of such a record. I am certain that neither the Council nor any one else observed the words, and if I had made any other excuse than that which I have done, I should only have directed attention to them, when otherwise they would never have been thought of. So, under pretext that I had lost the copy of the document, I dexterously obtained the original from the hands of the Secretary, and substituted a copy in which I entirely changed that sentence. I can, therefore, positively assure your Eminence that all danger is over." [2]

But before Rinuccini wrote this letter, and before he had received the Cardinal's letter of May 20, he had signed a document which again gave great offence to the Pope. On March 28, 1646, the Irish Confederates had signed a Treaty of Peace with the Marquis of Ormond, which gave great annoyance to Rinuccini, who did all in his power to upset it. By this Treaty every reasonable concession was made to the Irish Roman Catholics. Full religious and

[1] O'Conor's *Historical Address*, part ii. pp. 415, 416.
[2] *The Embassy of Rinuccini*, p. 207.

civil liberty was granted to them, and they were declared as eligible to hold the highest and other offices in the State as the Protestants. But as it did not concede everything to the Church of Rome that she required, but granted some rights and privileges to Irish Protestants, it was rejected by the Papal Nuncio. To further his object he called a Synod, which met at Waterford, and, on the 12th of August, passed a Decree strongly condemning the Peace. It was signed, first of all by Rinuccini, and also by twelve Irish Bishops, and several Abbots, and the heads of several Monastic Orders in Ireland. It declared that those who signed the Peace were "absolutely to be considered as perjurers," because it contained no pledge for the security of the Roman Catholic religion. "We never will," they declared, "give our consent to this or any other Treaty, unless it shall include the security of our religion, our country, *and our King*." These last cited three words of the Decree were those which made the Pope very angry. When the Decree reached Rome, the Papal Secretary of State, Pamphili, wrote the letter I have already cited (page 298), to the Nuncio, on December 10, 1646, quoting the words "and our King" :—

"It had been the constant and uninterrupted practice of the Holy See never to allow its Ministers to make or to consent to any public edict of Catholic subjects for the defence of the Crown and person of an heretical Prince; that this conduct of his furnished pretences to the enemies of the Holy See to reflect on her, as deviating from the maxims of sound policy, to which she had ever yet adhered; and that the Pope desired that he would not by any public act show that he knew, or consented to any declaration of allegiance which Irish Catholics might, for political reasons, be compelled or willing to make to the King." [1]

In 1645, an Irish Jesuit named Conor O'Mahony, residing in Portugal, Professor of Theology at Evora, wrote his notorious book, *Disputatio Apologetica de jure Regni*

[1] O'Conor's *Historical Address*, part ii. p. 417.

Hiberniæ adversus hæreticos. Henry Foley, S.J., writing in 1883, says that he "was a great light in Moral Theology in Lisbon." [1] In this book O'Mahony wrote to the Irish rebels :—

"My Dear Irish! Go on and perfect the work of your liberty and defence, which is so happily begun by you; *and kill all the heretics, and all that do assist and defend them.* You have in the space of four or five years, that is, between the years 1641 and 1645, wherein I write this, killed 150,000 heretics, as your enemies do acknowledge. Neither do you deny it. And for my own part, as I verily believe you have killed more of them, *so I would to God you had killed them all!*—which you must either do, or drive them all out of Ireland, that our Holy Land may be plagued no longer with such a light, changeable, inconstant, barbarous, ignorant, and lawless generation of people. We Catholic Irish will not, and never would, neither ought we to suffer our country to be ruled by a proud King, who calls himself the Head of the Church. Let us, therefore, choose a Catholic King from among our brethren; and let us have Irish Catholic judges and magistrates to rule over us in all matters temporal, and the Pope in all matters spiritual." [2]

Copies of this murderous book were secretly circulated throughout Ireland; and when a priest was charged with possessing it, the Nuncio saved him from a well-deserved punishment. Carte, after describing the contents of the book, adds that: "This book had been privately dispersed over the nation, and one of them being found with John Bane, then parish priest of Athlone, complaint was made of it to the Council. The Nuncio saved Bane from punishment, refusing to deliver him to the secular power, *and would fain have saved the book too from censure.* But the contents of it were so expressly contrary to the Oath of Association, and the tendency thereof towards raising a

[1] Foley's *Records of the English Province, S.J.*, vol. vii., Appendix, p. 29.
[2] As quoted in Collette's *Reply to Cobbett*, p. 256.

civil war among the Confederates so very manifest, that the Council were forced to condemn it as traitorous, and as such ordered it to be burnt by the common hangman at Kilkenny. The Nuncio was much displeased with the Council for this sentence, which he imputed to the power of the lawyers, who detested the proposition that an heretical King is not a lawful one, as ruinous to all those who had any Church lands by grant from the Crown. If this treatise, industriously spread, and calculated to favour the schemes of the clergy for making the Pope their Protector, and of the Ulster Irish for setting up O'Neill for their King, was not intended for that purpose, it certainly much increased the general apprehensions of such designs, and made the Confederates of English descent, whose extirpation was thus openly advised and encouraged, more desirous than ever of a peace." [1]

A Roman Catholic Irishman was, in the year 1648, sent to Rome to present to the Pope certain complaints against Rinuccini, apparently made by the Irish Confederation. Amongst other things, he was to tell the Pope that "Rinuccini hath given the world an occasion to believe that he had private and secret commission to change the Government of Ireland, and to separate that Island from the Crown of England. And this opinion is the more confirmed since that one Mahony, a Jesuit, hath printed a book in Portugal, wherein he endeavours to prove that all the Kings of England have been either tyrants or usurpers of Ireland, and so fallen from the dominion of it; exhorting all its natives to get thither, and to use all cruelty against the English (with expressions full of villainy and reproach), and to choose a new King of their own country. And this book, so barbarous and bloody, dispersed through Ireland, is yet credited by the Catholic and Apostolic Chair. And the Continuation of the *History* of Cardinal Baronius was published at the same time, under the name of Olderico Raynaldo, in which he endeavours to establish

[1] Carte's *Life of the Duke of Ormond*, vol. iii. p. 343, edition 1851.

the supreme right and Dominion in the Apostolic Chair, even in *Temporalibus*, over England and Ireland." [1]

The indignation of the Confederates was greatly increased by the attitude adopted by the Nuncio towards Lord Inchiquin, who during the Rebellion commanded a powerful army in Munster, in the interests of the English Parliament, and against the King. He was then a Protestant. But soon after the Peace had been signed, he declared himself for the King. This made it necessary for the Confederates to enter into negotiations with Inchiquin, which led to the signing of Articles of Cessation between the hitherto contending parties. It was agreed that "during the Cessation each party shall give mutual assistance to the other upon all occasions for the advancement of his Majesty's service"; and that "all persons who shall adhere either to the said Lord Baron of Inchiquin, or to the said Confederate Catholics, declare themselves for his Majesty." [2] The Cessation was signed on May 20, 1648. Its publication drove Rinuccini furious. On May 27, seven days later, he issued a decree excommunicating every one who signed or adhered to the Cessation, including the Supreme Council of the Confederation, and commanded that "they presume not to join themselves to the above-said Baron of Inchiquin, or any other heretic." [3] In October, 1648, the Confederates sent to the Pope a series of nineteen accusations against the Nuncio. The last of these asserted that "His Lordship, by himself and by his continual practices, ministers, and accomplices, *hath endeavoured to withdraw this nation from their allegiance to his Majesty*, to subvert the fundamental laws and government of the land, and instead thereof to introduce a foreign, arbitrary, and tyrannical Government, as by the course of his Lordship's proceedings is to be undeniably evidenced." [4]

[1] Borlace's *History of the Execrable Irish Rebellion*, p. 192.

[2] Gilbert's *History of the Irish Confederation and War in Ireland*, vol. vi. pp. 236, 238.

[3] *Ibid.*, p. 240.

[4] *Ibid.*, p. 300.

This accusation was perfectly true; but what the accusers failed to realise was that the Pope was responsible for the actions of his Nuncio, who throughout his more than three years' residence in Ireland was only endeavouring to carry out the policy of the Roman Curia. The Pope never censured Rinuccini for his efforts to break the tie which bound the Irish Romanists to the English King, and it is evident from his despatches to Rome that Rinuccini was throughout confident that he had the full approval of the Pope for his conduct, except, as we have seen, whenever he urged the Irish to be loyal to Charles I. This story of the Nuncio in Ireland is an object-lesson to the twentieth century, as showing the real value of professions and promises by Irish Roman Catholics, which have never been formally accepted by the Vatican.

On January 17, 1649, the Supreme Council of the Irish Confederation signed a Treaty of Peace with the Marquis of Ormond, Lord-Lieutenant of Ireland, as representing Charles I., in which many concessions were made to the Roman Catholics. These concessions were sufficient to satisfy the Supreme Council, all of whom were Roman Catholics. But they were to be required to take an Oath of Allegiance to the King. This Treaty was very displeasing to Rinuccini. A few weeks later Sir Richard Blake, Chairman of the Confederate Assembly, was in Galway, where the Nuncio was at the time staying. Writing from Galway, on February 3, 1649, Blake relates: "Though the Italian kept himself close, I sent him and his Dean, by Father Nugent, a Jesuit, my Lord Bishop of Ferns' letters, with an intimation that I would after that just ceremony [publishing the Peace], wait upon his Lordship to kiss his hand, and crave his benediction. And the answer he returned me was that he would not willingly see me, or admit me to his presence." [1] No doubt the part Blake had taken in proclaiming the Peace was the cause of the Nuncio's rudeness. Soon after, Rinuccini left Ireland.

[1] *History of the Irish Confederation and War in Ireland*, vol. vii. p. 247.

In a Report which he presented to Pope Innocent X. after his return to Rome, the Nuncio relates the proceedings which led up to the Peace with the Marquis of Ormond, as representative of the King, and then he adds these words : " When I heard of these proceedings I determined to hesitate no longer, but forthwith declared that *the Government of a heretic was incompatible with the exercise of my Mission.* I announced that it was neither usual, nor decorous, for the Holy See to maintain a public Minister among those who spontaneously submitted themselves to one who professed any other than the Catholic religion." [1]

When Rinuccini returned to Italy his work in Ireland was not censured by the Pope. On the contrary, the Rev. E. A. Dalton asserts that : " He was offered a high place at the Papal Court, which, however, he declined, and quietly retired to his diocese at Fermo, where he died." [2]

[1] *The Embassy of Rinuccini*, p. 543.
[2] D'Alton's *History of Ireland*, vol. ii. p. 297.

CHAPTER XXI

CHARLES I. (*concluded*)

The Underground Work of English Romanists—Disguised Romanists in High Position—Secretary Windebank assists the Papists—Becomes publicly a Roman Catholic—Sir Kenelm Digby's Double-dealing—Sir Tobie Matthew a disguised Jesuit—Bishop Goodman's Duplicity—Diplomatic Relations with Rome—Secret Mission of the Archbishop of Ambrun—Secret Mission of Panzani—His Interviews with Secretary Windebank—The Jesuits want to restore Popery by Force of Arms—"Jesuits in Masquerade"—An Emissary of the King sent to Rome—A Jesuit's Disloyal Book—Panzani's Secret Interview with the King—Proposed Diplomatic Relations with Rome—Panzani Acts as Spy on Church of England Bishops—His Interview with Bishop Montague—Another Papal Agent arrives in England—He tells the King that he "stands above Parliament"—A third Papal Agent arrives in England—Parliament's Opposition to Papal Nuncios.

English Protestants in the seventeenth century had greater reason to fear the underground and secret tactics of the Papacy than anything it could do in the light of day. This kind of work was largely conducted by disguised Roman Catholics, who, from whatever motive, thought well to outwardly profess themselves members of the Church of England, while in reality they believed in all the doctrines of the Church of Rome, and were, in many instances, actual, though secret, members of that communion. And, unfortunately, these disguised Romanists were mainly men and women in the highest ranks of society. They were, while wearing their disguise, in a better position to help on the cause of the Pope, politically and socially, than if they avowed themselves to be what they really were. A great deal of light is thrown on this aspect of affairs by Father Cyprien Gamache, who, from 1630 to 1669, was one of the Capuchin Monks who waited on Queen Henrietta as her Chaplains. He wrote his *Memoirs of the Mission in*

England, which were published for the first time in 1848, as a supplement to the second volume of *The Court and Times of Charles the First*. He wrote from an intimate acquaintance with the chief personages in the Court of Charles. He states that: "Two different Briefs of Popes expressly forbid Catholics this attendance at the preaching of Protestant Ministers. There are, however, English priests who explain away these Briefs, and who secretly maintain that, on certain important occasions, Catholics may, without offence, frequent the Churches of the Huguenots, and hear the sermons of the Ministers. In this opinion, they admit them to Confession, and administer the Sacraments to them, without obliging them to desist from those practices." [1] Sir Francis Coke, writing, several years before this, to Sir John Coke, on November 17, 1625, remarks: "I understand that his Majesty doth call for the arrearages of the Recusants now behind and unpaid, which I am glad of; but I fear the most of them will now come to the Church, *having dispensations from the Pope;* for some of them have prevented this demand of the arrearages by coming to the Church about a month since, perhaps having notice beforehand, whereof Sir Henry Shirley is one, the worst of all being Church Papists." [2] Gamache mentions an English gentleman with whom he was personally acquainted, who was a member of the King's Privy Council in Ireland. After a great many interviews with the priest, "he received absolution of his heresy, confessed, took the Sacrament with extraordinary fervour, returned to Ireland, *practised secretly all the exercises of his religion*, at the same time attending the King's Council as usual, retaining his offices, which he would have lost, and done a great wrong to his family *if he had declared himself a Catholic*." [3] Father Gamache has not one word of censure for the duplicity of his penitent, who, under

[1] *The Court and Times of Charles the First*, vol. ii. p. 408.
[2] *Manuscripts of Earl Cowper*, Hist. MSS. Commission, vol. i. p. 228.
[3] *The Court and Times of Charles the First*, vol. ii. p. 341.

such a disguise, was, from his position on the Privy Council, able to do considerable damage to the Protestant cause in Ireland. He next tells us about the Earl of Portland, Lord Treasurer of England, of whom he reports that: "He had private correspondence with the Reverend Father Joseph of Paris, a Capuchin, whom Cardinal Richelieu kept about him out of respect. This nobleman favoured the Queen's Capuchins [*i.e.* in London], *but underhand, clandestinely, and in secret;* to prevent it being known that he had an inclination to Popery, as they term it. This intercourse with the Rev. Father Joseph, and this secret affection which he entertained for the Capuchins, were followed by a success highly conducive to his salvation." [1] It seems that "some time afterwards" the Earl was taken dangerously ill, and then called in a priest, who received him into the Church of Rome. Gardiner states that: "It was soon rumoured that he had died a Roman Catholic. The rumour was true; but so long had he delayed the acknowledgment of his belief, that, though his wife and daughters and most of his friends were Roman Catholics, it was only at the last that his true sentiments were known even to them." [2] Father Tootle, who includes Portland in his lives of Roman Catholic noblemen, quotes Echard as asserting of the Earl that: "His wife and all his daughters being professed Papists, though he and his sons appeared sometimes at Church, he was never thought a friend to it. His most familiar conversation was with those of the Romish persuasion; and yet he was so little in credit with that party, that they were the only people that did not believe him of their persuasion." [3] The *Dictionary of National Biography* says of the Earl, whose family name was Weston, that: "Almost all the branches of the Weston family retained a secret or open attachment to the Roman Catholic religion. Sir Richard [*i.e.* the Earl of Portland] was no exception, and with this religious belief went a political sympathy with Spain." In 1628, "his

[1] *The Court and Times of Charles the First*, vol. ii. p. 331.
[2] Gardiner's *History of England*, vol. vii. p. 378.
[3] Dodd's *Church History*, vol. iii. p. 51, edition 1742.

unpopularity . . . was mainly owing to a well-founded suspicion that he was at heart a Roman Catholic." It is added that "he died on 13th March, 1634–5, a Roman Catholic priest being called in to administer the last rites of religion." [1]

The case of Lord Cottington may here be mentioned. I think it best to commence what I have to say about him by quoting the *Dictionary of National Biography*, which states that: "His religious history was indeed somewhat remarkable. Cornwallis records an attempt to convert him to Catholicism in 1607 (*Winwood Papers*, ii. 321), but he did not actually become a Catholic till 1623, during a dangerous illness which took place while he was at Madrid. Returning to England, he again adopted Protestantism, but made a second declaration of Catholicism during another illness in 1636. Now resolving, as he wrote to the King on 1st March, 1651, to remain in Spain, he determined again to become a Catholic, and was, after considerable difficulties, reconciled by the Papal Nuncio (Clarendon, *Rebellion*, xiiii. 27; *Calendar of Clarendon State Papers*, ii. 97). He succeeded in obtaining licence to remain at Valladolid, and a promise that his necessities should be supplied. The care of the English Jesuits provided and made ready for him the house in that city, where he had before resided during the reign of Philip III., and there he died, on 19th June, 1652, at the age of seventy-four." [2]

Cottington held many high offices. He was one of those sent to Spain to negotiate the Marriage Treaty with Spain, and returned from that country with the signature to it of the King of Spain. He must, while in that country, have been at heart a believer in the Church of Rome, since he was afraid to die outside of her communion. Father Francisco de Jesus, in his *Narrative of the Spanish Marriage Treaty*,[3] states that while he was at Madrid: "Sir Francis Cottington, having been attacked by a serious illness, brought on by the fatigues of his journey, and imagining himself to be dying, desired to be reconciled to the Catholic

[1] *Dictionary of National Biography*, vol. lx. pp. 364–367, first edition.
[2] *Ibid.*, vol. xii. p. 295. [3] p. 249 (Camden Society).

Church, as, in fact, he was by means of Fray Diego de la Fuente, who had by this time returned from Rome, to whom the Inquisitor-General gave authority for the purpose. Nevertheless, as soon as he found himself free from his sickness, he returned to his old way of living." When Cottington returned to England he continued his profession of Protestantism. On July 21, 1628, he caused his son to be baptized at Hanworth, where he resided, Charles I. assisting at the ceremony, which he would not dared to have done had it been performed by a Roman Catholic priest. When, in 1636, Panzani, the Pope's Agent in England, visited him, "Cottington reverently took off his hat whenever the Pope's name was mentioned." [1] Whenever he was seriously ill he seems to have called in a priest to reconcile him to the Church of Rome, in which he heartily believed all the rest of his life.[2] Amongst the offices he held, before he left England, were those of Privy Councillor, Chancellor of the Exchequer, Master of the Wards, Lieutenant of the Tower, Ambassador to Spain, and Lord High Treasurer of England. He was one of the most powerful aiders of Rome, sailing under false colours, until towards the time of his death, when he died as an avowed Romanist.

Another helper of Papal schemes for the recovery of lost ground in England was Secretary Windebank. It has been asserted that he joined the Church of Rome about the time he became Secretary of State; but of this I can find no adequate proof. It is, however, acknowledged that late in life, after he left England, he joined the Church of Rome, of which he became an open and zealous advocate. But all through his official life, as Secretary of State, he was an active and warm supporter of the Laudean party in the Church of England, in their schemes for union with Rome, and a bitter hater of the Puritans. Moreover, he gave considerable assistance to the secret agents of the

[1] Gardiner's *History of England*, vol. viii. p. 136.
[2] *Ibid.*, p. 140.

Papacy sent by the Pope to England. The first of these agents was Signor Gregorio Panzani, who arrived in England towards the close of 1634, and returned to Rome towards the end of 1636. His mission was a strictly secret one, concerning which I shall have more to relate further on. He was a priest, and while in England was disguised in lay attire. At present I content myself with quoting, from his *Memoirs*, his own description of several interviews he had with Windebank while in London. At his first interview, Panzani informed Windebank that he was at liberty "to regulate the concerns of the Oath of Allegiance." To this the Secretary of State replied that "he thought it would be a part of prudence in his Holiness, either to recall or moderate the Briefs that were in force against such as took the Oath of Allegiance"; but Panzani assured him that nothing would be altered, unless the King agreed "to make the Oath more agreeable to the humour of the See of Rome." "I know," he added, "that it is the Pope's pleasure that the Catholics answer all demands of civil allegiance." "Then," said Windebank, "let the Pope draw up the form of an Oath, and send it hither." Panzani promised to write to Rome about this matter; but nothing ever came of it, except that, as Panzani tells us, he "was very much blamed as to this affair of the Oath, [Cardinal] Barberini taking the liberty to tell him that he had exceeded his commission, and that it was too tender a point to be handled at that time." The fact was, Rome did not want any Oath of Allegiance to a Protestant King. "Windebank very familiarly told Panzani that it was whispered in corners that he would be ordered to leave the Kingdom. 'But take no notice,' said he, 'of those reports; you may stay without any apprehension or hazard.'" The Secretary then "requested that his Holiness would write an obliging letter to the King; '*For why*,' said he, '*should not a common Father make himself familiar with his children?*'"[1] Panzani says that, soon after, it was "proposed

[1] *Memoirs of Panzani*, pp. 143–146.

to the Queen and Cardinal Barberini, whether a mutual agency between the Court of Rome and England would not be very convenient. Windebank seemed so charmed with the beauty of the project, that he was beforehand with Panzani in communicating it to the Queen. He assured her Majesty *he would be secret*, cordial, and assiduous in carrying it on." [1] He kept his promise, with the result that a secret agency was established.

Soon after this, the Secretary had another interview with Panzani. "He told him [Panzani] that *he really looked on himself to be a good Catholic;* otherwise, that he should make no difficulty to bid adieu to all that was dear to him in order to purchase that name. He then instanced some things he boggled at in the Church of Rome, and namely, the article of Communion in One Kind, which he viewed as a scandalous practice, adding that, if he were to be concerned in uniting the Churches, the Catholics should disclaim that article as a preliminary. Panzani only replied that, in his opinion, the writers of the Church of Rome had given full satisfaction on that head. Windebank went on to another point. 'If,' said he, 'we had neither Jesuits nor Puritans in England, I am confident a union might easily be effected.'" [2] Gardiner informs us that in one of the interviews between these two men, Windebank said to Panzani that, as to the Puritans, he had a splendid scheme of his own for suppressing them. The King might weed out seditious persons (*i.e.* Puritans), from his Kingdom by sending them to the wars in Flanders. "The priest," (*i.e.* Panzani), says Gardiner, "replied that Charles might count upon the Pope to supply him with Captains, soldiers, and money. Such was the discourse which an English Secretary of State allowed himself to carry on with a foreign ecclesiastic. The year before, Windebank had been employed by Charles to contrive how the naval forces of England could be used against a friendly nation. This year he was contriving how they could be used against

[1] *Memoirs of Panzani*, p. 160.

[2] *Ibid.*, pp. 162, 163.

Englishmen." [1] By a letter, dated March 13, 1635, Cardinal Barberini, Papal Secretary of State, ordered Panzani "that *he should keep the Conferences he had with Secretary Windebank a secret from the Roman Catholics.*" [2] After Panzani had left England, in 1639, an Italian prelate named Count Rosetti was sent by the Pope as his agent to the English Court. Of course he also had an interview with Windebank, and afterwards reported to Cardinal Barberini that he was amazed "at the language of Windebank, who, though ostensibly a Protestant, *spoke to him like a zealous Catholic!*" [3] Rosetti was a good judge of the Secretary's language. It was well for old England in those dark and treacherous days that she had a Parliament thoroughly loyal to the Protestant cause. A careful watch was kept on the movements of Windebank, and, although not able to penetrate into all his secret movements, enough was discovered to justify action. In 1640, the House of Commons drew up six articles against him. The offences of which he was accused were as follows: (1) "Seventy-four Letters of Grace to Recusants, within these four years, signed by his own hand. (2) Sixty-four priests in the Gatehouse, within these four years discharged, for the most part by him. (3) Twenty-nine discharged by his verbal order. (4) A warrant to protect one Muffon, a condemned priest, and all the houses he frequented. (5) One committed by the King's own hand, and discharged by him, without signification of the King's pleasure therein. (6) A petition of St. Giles in the Fields, near London, to the King, of the increase of Popery in their parish, wherein twenty-one persons were seduced and turned by two priests, the which priests were both discharged by him." [4] Windebank, knowing that a storm was brewing against him in the House of Commons, thought it wise to flee out

[1] Gardiner's *History of England*, vol. viii. p. 135.
[2] *Memoirs of Panzani*, p. 171.
[3] Gardiner's *History of England*, vol. ix. p. 87.
[4] Cobbett's *Parliamentary History*, vol. ii. p. 682.

of England. From Calais he wrote to the Earl of Pembroke a letter defending himself against the accusations of the House of Commons. It was of a pitiful, almost whining, character, in which he appealed for mercy, but in which he did not refute the charges brought against him, merely pleading in self-defence that he had acted throughout in obedience to the orders of the King. He added: "Now, because there is an opinion in the world, that I have much improved my fortune by the Roman party, and that there hath been a design, by my Ministry, to introduce Popery into England, I shall humbly crave your Lordship's patience in giving me leave to clear these two great misunderstandings; which, if they were true, were sufficient to render me incapable of his Majesty's favours, or of the compassion of any person of honour." [1] From Calais Windebank also wrote an appeal to Christopher, first Lord Hatton, in which he defended himself from the charge of having been bribed by the Romanists to introduce Popery into England, and declared that he held the English Church to be "not only a true and orthodox Church, but the most pure and near the primitive of any in the Christian world." [2] How far these professions of Windebank were in accordance with the facts, my readers are now able to judge. A few years after he had written these letters, says Father Tootle, "he died at Paris, September 1, 1646, a zealous member of the Catholic Church." [3]

Sir Kenelm Digby may be added to the list of influential workers underground, in the interests of Rome, at this period. He was a son of the Sir Everard Digby who was executed for the part he took in promoting the Gunpowder Plot. Sir Kenelm was, as a boy, educated as a Protestant. After he had nearly attained to manhood, his relative, the Earl of Bristol, required his services in Madrid, in connection with the negotiations then going on for the Spanish Marriage

[1] Cobbett's *Parliamentary History*, vol. ii. pp. 683, 684.
[2] *Dictionary of National Biography*, vol. lxii. p. 164.
[3] Dodd's *Church History*, vol. iii. p. 59, edition 1742.

Treaty. "It was during this period," says Mr. Gillow, "that he seized the opportunity to reconcile himself to the faith of his ancestors, from which he had been restrained by his Protestant guardians. He returned with Prince Charles to England, and on October 23, 1623, received the honour of Knighthood"; [1] and, "early in 1636, after a visit to France, he *publicly* announced his reconciliation with the Catholic Church." [2] As Digby returned from Spain towards the close of 1623, he must, therefore, have concealed his membership of the Church of Rome from the public gaze, and publicly have passed himself off as a member of the Church of England. Father Tootle says of Digby that, "going abroad, he had an opportunity of re-uniting himself to the religion of his ancestors, *which he never entirely forsook*, but was under a restraint as to the practical part during his minority." [3] A modern biographer of Sir Kenelm Digby, who does not give his name, but describes himself on the title-page as "One of His Descendants," tells us that: "Aubrey says that in '163–,' which some historians believe to have been one of the earliest years of the thirties, 'tempore Car. I.,' Sir Kenelm 'received the Sacrament in the Chapel at Whitehall, and professed the Protestant religion, but afterwards he looked back.'" [4] This biographer adds that: "It is possible that Sir Kenelm may not have practised the Catholic religion publicly, or allowed the public to be aware that he practised, or even professed, it in private, until 1636; and it should be remembered that he lived at a period when there was some difference of opinion, not only among laymen but also among ecclesiastics, as to the extent of public profession required from a Catholic. The times were, to say the least of it, exceedingly difficult, and there can be no doubt that there were Catholics who concealed

[1] *Bibliographical Dictionary of English Catholics*, vol. ii. p. 71.
[2] *Ibid.*, p. 72.
[3] Dodd's *Church History*, vol. iii. p. 55, edition 1742.
[4] *The Life of Sir Kenelm Digby*, p. 200.

their religion in a very questionable manner." [1] While passing as a Protestant, though all the time a disguised Romanist, Sir Kenelm Digby held several influential positions, including that of Gentleman of the Bedchamber, Commissioner of the Navy, and Governor of Trinity House.

Tobie Matthew was a very serviceable underground worker for Rome in the times of James I. and Charles I. He was a son of the Archbishop of York, and was born in 1577. He joined the Church of Rome in 1606, while travelling on the Continent. I do not charge him with ever, after that date, attempting to wear the disguise of a Protestant. What he did was to assume the disguise of a lay courtier, and hiding from the public gaze his real character of priest and Jesuit; and that for political purposes, and not to secure his own personal safety. It was as a layman that he was sent, in 1623, by James I. to Spain, to assist in the negotiations then going on for the Spanish Marriage Treaty. He gave such satisfaction that, on his return to England, Matthew, whose priesthood was, says Dr. Oliver, "kept a profound secret," [2] received the honour of Knighthood, and was henceforth known as Sir Tobie Matthew. Gillow says that "though the fact of his priesthood was long kept a close secret, it oozed out through his espousing the side of the Jesuits in their controversy with the secular clergy, and in 1630 the Bishop of Chalcedon obtained attestations from different people who had heard him say Mass." [3] At that time a petition against the appointment of a Roman Catholic Bishop to officiate in England was circulated by the Jesuits. The modern biographer of Matthew, Mr. A. H. Matthew, who describes himself as "His Kinsman," says that: "Sir Tobie, who drew up the petition in the name of the laity, and signed it, as though he were one of them, was all the time a priest, *and not only a priest, but also a Jesuit*"; and he adds that "it is impossible not to condemn

[1] *The Life of Sir Kenelm Digby*, p. 203.

[2] Oliver's *Collections Illustrating the Biography of Members S.J.*, p. 125, edition 1838.

[3] Gillow's *Bibliographical Dictionary of English Catholics*, vol. iv. p. 539.

the dissimulation of Sir Tobie." [1] Moving in the highest ranks of society for several years afterwards, this disguised Jesuit played the part of a spy on the frequenters of the Royal Court. The *Dictionary of National Biography* asserts that Matthew "was a sedulous courtier, who had the gift of gossip and a finger in all Court intrigues, about which he was a sure informant" [2]; and it further states that in 1633 the French Ambassador in London wrote: "The cleverest of all the Seminaries is Tobie Matthew, a man of parts, active, influential, an excellent linguist; he penetrates Cabinets, he insinuates himself into all kinds of affairs, and knows the temper and purpose of those who govern the Kingdom, especially of the Lord Treasurer, whom he manages so skilfully that he is able to realise all his schemes in favour of Spain."

In 1633, Tobie Matthew went over to Ireland to undertake the very secular work of Secretary to Lord Wentworth, on his first visit to that country as Lord Deputy. He returned to England in 1634, and continued in favour with the King and his Roman Catholic Queen until he finally left the country in 1642. Prynne affirms that Tobie Matthew "made a voyage with the Lord Deputy into Ireland, to stir up the Papists there to contribute men, arms, moneys, to subdue the Scottish Covenanters." [3]

The case of Bishop Godfrey Goodman, appointed Bishop of Gloucester in 1624, may here be mentioned as an instance of underground work in the Church of England in the interests of the Church of Rome. The facts recorded of this Bishop by the *Dictionary of National Biography* are decidedly startling, and naturally raises the question, Is deceitful conduct such as his possible in the twentieth century? It says:—

"Goodman's religious views gradually brought him into very close sympathy with the Roman Church, and he soon gave

[1] *The Life of Sir Tobie Matthew*, by A. H. Matthew, p. 250.
[2] Vol. xxxvii. pp. 66, 67.
[3] *Rome's Masterpiece*, by William Prynne, p. 32, second edition, 1644.

grounds for the suspicion that he had secretly joined that communion. Panzani, the Papal agent in England, wrote in January 1635–6, that 'the Bishop said Divine offices in private out of the Roman Breviary, and had asked permission to keep an Italian priest to say Mass secretly in his house' (Gardiner, *Hist.* viii. 140). Early in 1638 similar allegations were made in Rome, and Sir William Hamilton, the English agent there, wrote to Secretary Windebank that Goodman had been converted about 1635 or 1636 by one William Hanmer, who went by the name of John Challoner. On 13 July, 1638, Edmund Atwood, Vicar of Hartbury, Gloucestershire, gave Windebank an account of Goodman's intimate relations with Hanmer, and with the Provincial of the Jesuits, who were both repeatedly the Bishop's guests at Gloucester (*Clarendon State Papers*, in Newcome's *Memoir*, App. O). . . . Goodman's equivocal position was very prejudicial to the cause of his fellow-Churchmen. In February 1640–1, when the condition of the Church was under debate in Parliament, Falkland ascribed the disrepute into which it had fallen to the dishonesty of men like Goodman, 'who found a way to reconcile the opinions of Rome to the preferments of England, and to be so absolutely, directly, and cordially Papist, that it is all that £1500 a year can do to keep them from confessing it.' . . . His will, dated 17 Jan. 1655–6, and proved 16 Feb., opens with the profession that he died as he had lived, 'most constant in all the doctrine of God's holy and Apostolic Church, whereof I do acknowledge the Church of Rome to be the Mother Church. And I do verily believe that no other Church hath any salvation in it but only so far as it concurs with the faith of the Church of Rome.'"[1]

In 1640, certain new Canons were passed by the Convocation of Canterbury, and the Bishops were required to subscribe and swear to them. But Goodman for a long time refused. Archbishop Laud stated that Goodman gave several excuses for his refusal, "but that which stuck in his stomach was the Canon about the suppressing the growth of Popery. For, coming over to me, to Lambeth, about that business, he told me he would be torn with wild horses before he would subscribe that Canon. I gave him the best advice I could, but his carriage was such when he came into the Convocation that I was forced to charge him

[1] *Dictionary of National Biography*, vol. xxii. pp. 132, 133.

openly with it, and he as freely acknowledged it, as there is plentiful proof of Bishops and other Divines then present." [1] Eventually, under great pressure, Goodman signed the Canon. In 1641, Bishop Goodman signed a protest, addressed to the King, to which eleven other Bishops added their names, in which they declared that "they do abominate all actions or opinions tending to Popery and the maintenance thereof." [2]

The Rev. Richard Newcome, in his *Memoir of Gabriel Goodman*, states that a remonstrance was sent to the King protesting against the Romanising doctrines and conduct of Bishop Goodman; but he does not name the year in which it was presented. It was signed by Burton, Bastwick, and Prynne. In it they affirmed that :—

"Since Christmas last past, the said Bishop hath superseded one Mr. Ridler, Minister of Little Dean, within the County and Diocese of Gloucester, only for preaching against divers gross errors and idolatries of the Papists (of which he hath divers in his said parish), and then concluding (according to the *Homilies* and learnedest writers of our Church) that an obstinate Papist, dying a Papist, could not be saved, and that if we were saved, the Papists were not, and for refusing to make a formal recantation, which the said Bishop prescribed him in writing, in which recantation the said Bishop . . . styled the Church of Rome 'God's Catholic Church,' and in direct terms affirmed that, in the eye of the law, we are still one with the said Catholic Church, from which we sever only for some political respects; and that it is impossible there should be any greater offence against the Church of England than to say that Papists are damned, in regard of the affinity there is between the two Churches; for we have both the same Holy Orders, the same Church Service, the same ceremonies, the same Feasts, and the same Festivals, and we have generally the same Canon Law, and, therefore, through the sides of the

[1] Fuller's *Church History*, vol. vi. p. 174, *note* (Oxford, 1845).
[2] Clarendon's *History of the Rebellion*, vol. i. p. 472, Macray's edition.

Church of Rome they do but give deadly and mortal wounds to the Church of England, who affirm that Papists are damned."

In men like Bishop Goodman the Church of Rome in England found one of her most powerful auxiliaries. It was conduct like his which tended to rouse the dormant energies of English laymen, and decided them on the course they eventually adopted towards the Church of England. Rather than have her Romanised, and her vast wealth and power devoted to the propagation of more or less modified Popery, they raised the cry of "Down with her! even to the ground!"

In a Protestation and Declaration of the Lords and Commons in Parliament on October 22, 1642, we find this statement: "Great numbers of Papists have, in show, conformed themselves to the Protestant religion, by coming to the Church, receiving the Sacrament, and taking the Oaths of Allegiance and Supremacy; which some of their own priests have encouraged them to do, by maintaining 'That they might do all those things, and yet continue good Catholics.'" [1]

British Protestants have ever had good reasons for dreading secret negotiations with Rome. They have ever been fruitful of evil to the Protestant cause. These secret negotiations were numerous in the seventeenth century. In the year 1624, the King of France sent the Archbishop of Ambrun to London as his secret agent to intercede for a greater measure of toleration for the Roman Catholics. He came in disguise, and passed himself off as a Councillor of the Parliament of Grenoble. He had an interview with King James at Royston, with the result that, after several conferences, the King told him: "I perceive you are the man sent me from God, to whom I may freely open my mind." He added that he always had a good opinion of Roman Catholics, and he intended to grant them full toleration; but, before doing so, he intended to call to-

[1] Cobbett's *Parliamentary History*, vol. ii. p. 1487.

gether a conference of foreign and English divines at Dover or Boulogne, who should be invited to declare themselves in favour of a universal liberty of conscience. He would give the Archbishop two letters on the subject, one to the King of France, the other to the Pope. If he returned to England with the Pope's approbation, the conference should be immediately held. Such is the statement made by the Archbishop himself. Deageant, in his *Secret Affairs of France*, affirms that James actually did write to the Pope; but Rapin is not much inclined to rely on his testimony.[1]

But the mission of Gregory Panzani, a secular Roman priest, to England, from 1634 to 1636, was one of the most important character. He subsequently wrote his *Memoirs*, which were translated into English by the Rev. Joseph Berington, and published in 1813. Panzani, who writes in the third person, states that "singular care was taken" that his mission in England "should not be divulged among the Catholics or Protestants, who, from different views, might have obstructed its execution"; and that he "privately passed over into England, under the pretence of satisfying his curiosity with the fashions and customs of the country, as other strangers often did."[2] He first of all had an interview with the Queen; and, before leaving, requested that his arrival might be notified to the King, with the occasion of it. "When," says Panzani, "the Queen signified the event to his Majesty, his only reply was that Panzani should be cautious, *and carry on his business with secrecy*."[3] He was not long in England, he states, before he found strong "proofs of the complaisance, not to say affection, of the Court party towards the Roman See."[4] He was very shy in making his presence known even to those who might sympathise with his mission. He writes:—

"As yet Panzani had not made himself known to either

[1] Rapin's *History of England*, vol. viii. pp. 287–289.
[2] Panzani's *Memoirs*, p. 132.
[3] *Ibid.*, p. 134.
[4] *Ibid.*, p. 136.

of the Secretaries of State ; and he used the same caution in regard to the Ambassadors of France and Spain. But Father Philip and the Abbé du Perron were of opinion that it was high time he should have an interview with Secretary Windebank, at least in private, to remedy the discords about the Oath of Allegiance, and to proceed as he should find encouragement. Windebank was a Protestant by profession, yet no enemy to the Catholics, and prepared to go all the lengths of the King and the Court party." [1]

Panzani, as I have already stated, had several interviews with Windebank, and was greatly cheered and encouraged by them. In these conferences the great and secret project of the union of the Church of England with the Church of Rome was discussed. Panzani seems to have had a suspicion that Windebank was already a Roman Catholic, for when he states that several years later, on the latter's return to England, he became a Romanist, he adds, "if he had not done it privately before, as many conjectured." [2] And again, he says, with reference to negotiations with the English Secretary of State : "Windebank was most apprehensive of being discovered ; wherefore he admonished, as well Panzani as the Cardinal, never to mention his name." [3] Curiously enough, the Jesuits in England seem to have been opposed to Panzani's scheme for the reunion of the Churches. He says : "*Their usual language was, that the Roman Catholic religion would never be restored in England, but by the sword.* This topic was very displeasing to Panzani. He told them very frankly it had too great an affinity to the detestable contrivance of the Gunpowder Plot; but he was satisfied their zeal would never transport them so far." [4] And again, he writes, concerning the Jesuits : "They visibly affected superiority ; would not treat [for peace with secular priests] upon a level ; and seemed disposed to frustrate everything, unless it were a scheme of their own. Their management

[1] Panzani's *Memoirs*, p. 142.
[2] *Ibid.*, p. 191.
[3] *Ibid.*, p. 237.
[4] *Ibid.*, p. 151.

spoke indifferency as to restoring religion in England, unless it were effected by their means ; and in consequence of this *their common discourse was, that it could never be brought about but by force of arms.*" [1] In this we have clear proof of the danger to the State of harbouring in England such a dangerous set of men as the Jesuits. They were not trusted by many Romanists in the seventeenth century. Panzani says that : "The clergy, to prevent being imposed on by false brethren, caused an oath to be privately administered to all new [Roman Catholic] missionaries of their body, whereby they were to *disown themselves to be Jesuits in masquerade.*" [2]

Panzani states that the King, at this time, was very much irritated at the appearance of a book by a Jesuit who passed by the name of Courteney, but whose true name was Edward Leedes. In his instructions to Mr. Arthur Brett, a Roman Catholic gentleman whom he sent on a secret mission to Rome, in 1635, the King informed him that when in Rome : "You are to take notice of a base and seditious discourse, written not long since by a Roman Catholic, one Courteney, against the Oath of Allegiance ; and you are to press earnestly for some exemplary punishment to be inflicted upon him for daring so presumptuously, without licence from that See, to awaken that subject, which of late hath been prudently laid asleep, not without knowledge, as we understand, of the Pope himself ; and which cannot be agitated but with his diminution and the irritating of all Christian Princes against him. If you find them difficult in this, you shall then assure them we will take the business into our own hand, and execute the rigour of our laws upon him." [3]

Courteney's book was never printed, and the only quotations from it which I have seen, are those made at the time by Father Preston, better known by his *alias* of Roger Widdrington, and printed in the *Clarendon State Papers.*

[1] Panzani's *Memoirs*, p. 225. [2] *Ibid.*, p. 249.
[3] Foley's *Records of the English Province, S.J.*, vol. i. p. 259.

The following extracts will serve to indicate the character of the book, and to justify the King's anxiety for the punishment of the author :—

"It is a matter of faith believed by all Catholics, that the Pope, by his spiritual authority, can authorise Princes to make war, invade, and depose for spiritual ends.

"The Pope hath an undoubted power to depose, both spiritual and temporal.

"Whatsoever power the Pope hath to deprive Princes of their Kingdoms and titles, or by authorising of war for cause of religion, he hath much more to deprive them of their subjects' allegiance.

"If the Pope should depose the King, authorise Princes to invade him, absolve his subjects from their allegiance, for cause of religion, and command them not to obey, but to take part with those Princes, if he will not desist to put in execution the penal laws made against Catholics, they are bound, or at leastwise may lawfully rebel against him.

"Whosoever taketh the Oath [of Allegiance] incurreth formal heresy, idolatry, and high treason." [1]

Father Preston wrote a book in reply to Courteney, and the King told Panzani that he should consider it a singular affront if it should be censured at Rome. This expression of opinion Panzani conveyed to Cardinal Barberini, who thought the application a dishonour to the Papacy. Instead of censuring Courteney's book for its disloyalty, influence was brought to bear on Father Preston, and, as a consequence, his loyal reply was suppressed. Courteney represented the true spirit of the Papacy; Preston did not.[2]

After Panzani had been some time in England, he obtained a secret interview with the King. The former says that : "The King and Panzani were brought together, though in a very remote and unsuspected place, the Queen also being present. The King received him with a very cheerful countenance, taking off his hat, while Panzani kissed his hand; and then, with a great deal of freedom,

[1] *Clarendon State Papers*, vol. ii. pp. 70–72, 8vo edition, 1767.

[2] Panzani's *Memoirs*, p. 177.

the latter gave his Majesty an account of his business in England, with an ample assurance of the great affection his Holiness had for him, and a grateful remembrance of the kind treatment the Catholics had met with under his Majesty's mild and prudent reign." [1] Some time before this interview, Windebank and Panzani decided that an effort should be made to establish diplomatic relations between England and Rome; and that, as a preliminary step, the Queen and Cardinal Barberini should be asked their opinion. Panzani says that: "Windebank seemed so charmed with the beauty of the project, that he was beforehand with Panzani in communicating it to the Queen. He assured her Majesty *he would be secret*, cordial, and assiduous in carrying it on." [2] In due course, the Cardinal's reply came, expressing hearty approval of the project, and promising that nothing should be neglected in order to provide a proper representative of the Pope in England. The Queen made known the scheme to the King, who agreed, merely requesting that he should name the person who should be sent to Rome, and that the Pope's representative should be a layman, and not be considered a Nuncio. "*Secrecy was enjoined on all hands*," says Panzani, especially by the King, who observed that "should such a correspondence once get wind, it would be highly resented by the generality of the nation." Eventually, a young Roman Catholic layman, Arthur Brett, was chosen to represent, not the King, but the Queen, in the Court of Rome. Charles gave Brett written instructions before he started for Rome, signed by himself. He told him that in all his dealings with the Cardinals he should style himself "the Queen's servant only, and not take upon you any quality, nor to pretend any power from us." Yet in reality he was to do the King's work there. Charles added: "Nevertheless, though for your person and quality you are to govern yourself in this manner, this must not slacken your diligence in any service that may concern us; to the

[1] Panzani's *Memoirs*, p. 161. [2] *Ibid.*, p. 160.

advancement whereof you must have a special eye, and to bend your best endeavours to that end." [1]

Some time after his arrival in England, Panzani was instructed by Cardinal Barberini, Papal Secretary of State, and "Protector of England," to act as a spy on the Church of England Bishops. He tells us that he was "directed by the Cardinal to inquire into the characters of the Protestant Bishops; for as they were to be employed in the projected scheme of union [between the Churches of England and Rome], it was requisite to be fully informed what sort of men they were, and how qualified as to learning, morals, religion, politics, &c., that those who were to treat with them might know how to come at them by proper and suitable addresses. But he had a strict charge to be very cautious and secret in the inquiry." [2]

Panzani thought the proposed mutual agency between the Courts of England and Rome would greatly promote the union of the Churches, and he seems to have been very hopeful of this being accomplished. His hopes were greatly strengthened by three secret interviews he had with Dr. Montague, Bishop of Chichester. Panzani reports that :—

"He (Montague) signified a great desire that the breach between the two Churches might be made up, and apprehended no danger from publishing the scheme, as things now stood. He said he had frequently made it the subject of his most serious thoughts, and had diligently considered all the requisites of an union, adding that he was satisfied both the Archbishops, with the Bishop of London, and several others of the Episcopal Order, besides a great number of the learned inferior clergy, were prepared to fall in with the Church of Rome as to a Supremacy purely spiritual; and that there was no other method of ending controversies than by having recourse to some centre of ecclesiastical unity. That, for his own part, he knew no tenet of the Church of Rome to which he was not willing

[1] *Clarendon State Papers*, vol. ii. p. 246, edition 1767.
[2] Panzani's *Memoirs*, p. 240.

to subscribe, unless it were the article of Transubstantiation." [1]

We need not wonder that when the report of this secret interview reached Rome, the Papal authorities were greatly delighted and filled with joyful hope. Panzani was, thereupon, ordered to flatter the Bishop of Chichester as much as possible, and to tell him that in Rome "his learning and pacific dispositions were applauded." At his second secret interview with Panzani, Montague "repeated his former discourse concerning the Union, adding that he was continually employed in disposing men's minds for it, both by words and writing, as often as he met with an opportunity. *He then again mentioned the Pope's Supremacy, whose feet, he said, he was willing to kiss, and acknowledge himself to be one of his children.* He added that the Archbishop of Canterbury [Laud] was entirely of his sentiments, but with a great allay of fear and caution." [2] At the third interview with Montague, Panzani managed to extract from him the information required by the Court of Rome. The latter writes: "Panzani, being curious to know the characters of the chief of the Protestant clergy, Montague told him there were only three Bishops that could be counted violently bent against the Church of Rome, viz. Durham, Salisbury, and Exeter. But Panzani received a particular character of each Bishop from another hand. It gave an account of their age, family, way of life, qualifications, natural and acquired, moral and political, and, as far as could be guessed, how they stood affected as to the present management of affairs at Court. This account was carefully transmitted to Barberini." [3] At this third interview, the Bishop of Chichester "observed that the King had been often heard to say, that there was neither policy, Christianity, nor good manners in not keeping a correspondence with Rome, by sending and receiving Ambassadors, as was practised by other Courts; and that if his Majesty should think fit to settle such a correspond-

[1] Panzani's *Memoirs*, p. 238. [2] *Ibid.*, p. 242. [3] *Ibid.*, p. 246.

ence, he would himself make interest for that honourable charge. 'Then,' replied Panzani, '*the world would immediately conclude that you were going over to the Church of Rome.*' '*And what harm would there be in that?*' said the Bishop." As showing the Jesuitical tactics adopted by Montague and his party in their underground Romanising work, it may suffice to quote what he said on that occasion to Panzani: "As for our aversion [to Rome], we discover, in our sermons and printed books, *they are things of form, chiefly to humour the populace, and not much to be regarded*"![1]

There can be no doubt that the mission of Panzani was of considerable service to the Papacy. He had a delicate and difficult task to perform. It included an attempt to reconcile the Secular priests in England with the Regulars; but in this he was by no means successful; nor was he more successful in his efforts to secure an agreement on the vexed question of appointing a Roman Catholic Bishop for England. His hopes for the return of the Church of England to the Church of Rome were, happily, disappointed. He failed also in obtaining the modification of the Oath of Allegiance. When, at length, the existence of his mission became known in England, a storm of indignant protest was raised, which had an important influence in the subsequent destruction of the Church of England, and the establishment of the Commonwealth.

Panzani left England in 1636, and was succeeded by another secret Papal agent, named George Conn. Like Panzani, he was a priest, and in high favour at the Papal Court. He was a native of Scotland, but had resided for a long time on the Continent. He was nominally delegated to the Queen, but his mission embraced the whole of English affairs in which the interests of the Papacy were included. He was, very soon after his arrival, on the most intimate terms with the King, with whom he spent much time discussing politics and theology.[2] Bellesheim says that

[1] Panzani's *Memoirs*, pp. 247, 248.

[2] Gardiner's *History of England*, vol. viii. p. 236.

"the principal subject of his communications with that Monarch appears to have been the form of Oath prescribed by James I. to his Catholic subjects, and requiring them not only to profess their loyalty and allegiance to the Sovereign, but also to expressly repudiate the doctrine that the Pope had the power of deposing secular Princes. . . . It would seem, from Conn's own account of his conversation with Charles on the subject, that the King was not only indisposed to introduce a new and modified formula, but was equally reluctant to comply with the suggestion made to him by the Papal agents that he should use his own authority to dispense the Catholics from the obnoxious Oath ordered by Parliament. 'Sire,' was Conn's remark, '*we Catholics maintain that your Majesty stands above the Parliament.*'"[1] Conn devoted himself zealously to the work of proselytism amongst the upper ranks of society. He was on very friendly terms with the King. "Charles was quite satisfied," says Gardiner, "to find in Conn a well-informed and respectful man, ready to discuss politics or theology without acrimony by the hour, and to flatter him with assurances of the loyalty of his Catholic subjects, without forgetting to point to the sad contrast exhibited by the stiff-necked and contemptuous Puritans. Offence was taken at this unwise familiarity in quarters in which ordinary Puritanism met with but little sympathy."[2] Conn devoted himself zealously to efforts to induce the King to alter the Oath of Allegiance, which the Papacy detested, because it repudiated the Pope's deposing power. He also tried to promote the scheme, then on foot, for the reunion of the Church of England with the Church of Rome. Ranke states that "Conn set before the King the prospect that in the event of an Union with Rome, which still formed a great centre of European politics, he would have as much power as any Continental potentate; and the King might

[1] Bellesheim's *History of the Catholic Church of Scotland*, vol. iv. pp. 53, 54; Ranke's *History of England*, vol. ii. p. 41.

[2] Gardiner's *History of England*, vol. viii. p. 236.

well feel tempted to enter the lists at Rome as elsewhere against Spain and France." [1] There can be no doubt that the work of Conn, while in England, largely secret as it was, did a great deal of mischief to the Protestant cause, and assisted the political ambitions of the Papacy. He returned to Rome in the autumn of 1639.

Early in the year 1640, a successor to Conn was sent to England, in the person of a priest named the Count Rosetti, under the pretext of a communication to the Queen from Cardinal Barberini, but in reality as Papal Nuncio. Although a priest, he appeared in England in the dress of a layman. He assisted the Queen in her efforts to raise a Roman Catholic army to assist the King in fighting against the Scotch Covenanters. He also urged the King to become a Roman Catholic, by which means, he assured him, he would not only have his own Roman Catholic subjects on his side, "but all the Catholic Princes of Europe would come to his assistance to root out that venomous sect (the Puritans) wherever they might be found in the Kingdom, and establish his throne in security." [2] In several other ways Rosetti interfered with the political affairs of the nation.

Of course, the presence of such a man as Count Rosetti in England could not be altogether unknown to the leading statesmen of the period, though, at the time, the Protestants knew very little of the work he was doing. But Parliament knew enough to justify it in adopting, on June 23, 1641, a series of "Propositions," one of which, headed "Concerning the Nuncios," was: "That it may be declared, by an Act of Parliament, that if any man shall presume to come to this Kingdom, with instructions from the Pope, or the Court of Rome, that he shall be in the case of High Treason, and out of the protection of the King and the laws." [3] This threatening attitude of Parliament led to

[1] Ranke's *History of England*, vol. ii. p. 42.
[2] Nugent's *Memorials of Hampden*, vol. ii. p. 451, second edition.
[3] Cobbett's *Parliamentary History*, vol. ii. p. 849.

Rosetti leaving England, only five days later. It can hardly be surprising that Parliament should become alarmed at the presence of Papal Agents in England, and it is much to be regretted that their proposed Act of Parliament was not passed. In the Grand Remonstrance of Parliament, presented to the King on December 1, 1641, the dangerous work of the Papal Agents, of whom Rosetti was the third, was referred to. It declared that at that time the "Popish Party" "had a Secretary of State, Sir Francis Windebank, a powerful agent for the speeding of all their desires; and a Pope's Nuncio residing here, to act and govern them according to such instructions as he received from Rome, and to intercede for them with the most powerful concurrence of the foreign Princes of that religion; by whose authority the Papists of all sorts, nobility, gentry, and clergy, were convocated after the manner of a Parliament; new jurisdictions were erected of Romish Archbishops; taxes levied; another State moulded within this State, independent in government, contrary in interest and affection, secretly corrupting the ignorant or negligent professors of our religion, and closely uniting and combining themselves against such as were sound: in this posture waiting for an opportunity, by force, to destroy those whom they could not hope to seduce. For the effecting whereof, they were strengthened with arms and munitions, and encouraged by superstitious prayers, enjoined by the Nuncio to be weekly made for the prosperity of some great design."[1]

On March 7, 1642, both Houses of Parliament united in presenting a Declaration to the King, "Setting forth the Causes of their Fears and Jealousies." In this document they affirmed that "The design of altering religion in this, and in your other Kingdoms, hath been potently carried on by those in greatest authority about you for divers years together; the Queen's Agent at Rome, and the Pope's Agent or Nuncio here, are not only evidences of this design,

[1] Cobbett's *Parliamentary History*, vol. ii. p. 955.

but have been great actors in it." "The great cause we have to fear that the late design, styled 'The Queen's Pious Intention,' was for the alteration of religion in this kingdom; for success whereof the Pope's Nuncio, the Count Rosetti, enjoined fasting and praying to be observed every week by the English Papists; which appeared to us by one of the original letters, directed, by him, to a priest in Lancashire." "The manifold advertisements which we have had from Rome, Venice, Paris, and other parts, that they still expect that your Majesty has some great design in hand, for the altering of religion and breaking the neck of your Parliament: that you will yet find means to compass that design. That the Pope's Nuncio hath solicited the Kings of France and Spain to lend your Majesty 4000 men apiece, to help to maintain your Royalty against the Parliament. And this foreign force, as it is the most pernicious and malignant design of all the rest, so we hope it is, and shall always be furthest from your Majesty's thoughts; because no man can believe you will give up your people and Kingdom to be spoiled by strangers, if you did not likewise intend to change both your own profession in religion, and the public profession of the Kingdom; so that you might still be more assured of those foreign States of the Popish religion, for your future support and defence." [1]

[1] Cobbett's *Parliamentary History*, vol. ii. p. 1115–1118.

CHAPTER XXII

COMMONWEALTH AND PROTECTORATE

Severe Laws against the Papists.

DURING the Commonwealth and Protectorate, but very few laws were passed specially affecting Roman Catholics. They suffered in common with the members of the Episcopal Church, largely for their adherence to the cause of the Stuart family. Under the Puritans their lot was far from enviable. The last Act of Parliament signed by Charles I. was in 1640. All Acts passed by Parliament from that date until the restoration of Charles II., in 1660, are not printed in any of our collections of Statutes. And, therefore, although the Commonwealth was not proclaimed until 1649, yet the Act of 1643 was passed by those who, six years later, established the Commonwealth. The Act of 1643 was exceptionally cruel, and cannot be justified by any modern lover of religious liberty. It was religious persecution pure and simple. The concluding portion of the Oath, which it required all Papists to take, and which repudiated the political claims of the Pope, was fully justified. But the Puritans went further than the Parliament of James I. which enacted the Oath of Allegiance, for it required the Romanists, under severe penalties, to repudiate the purely spiritual doctrines of the Church of Rome. The Act was passed on August 19, 1643. It enacts that :—

"All and every person or persons which at any time heretofore have been convicted of Popish Recusancy, and so continue, or that hath been or shall be thereof indicted, and such their indictments removed by *certiorary*, or being not removed, shall not by appearance and traverse be legally discharged, before seizure or sequestration made of their goods or estates, or stay of their rents, by force of this, or the said former ordinance, or that have been at Mass, at any time within one whole year

before the 26th day of March, 1643, or shall hereafter be at Mass, or whose children or grandchildren, or any of them living in house with them, or under their, or any of their tuition and government, shall be brought up in the Popish religion. And all such persons as being of the age of twenty-one years, or above, shall refuse to take the oath hereafter expressed. . . . The tenour of which is :

"'I, A. B., do abjure and renounce the Pope's Supremacy and authority over the Catholic Church in general, and over myself in particular. And I do believe that there is not any Transubstantiation in the Sacrament of the Lord's Supper, or in the elements of bread and wine after consecration thereof, by any person whatsoever, And I do also believe that there is not any Purgatory ; or that the consecrated Host, Crucifixes, or Images, ought to be worshipped, or that any worship is due unto any of them. And I also believe that salvation cannot be merited by works. And all doctrines in affirmation of the said points, I do abjure and renounce, without any equivocation, mental reservation, or secret evasion whatsoever, taking the words by me spoken, according to the common and usual meaning of them.'

"Shall forfeit as Papists within this and the said former Ordinance, and seizure and sequestration of two-thirds part of all their goods and estates, Real and Personal, and sale of such proportion of their goods so seized and sequestered, shall be made, and their rents and estates disposed of, in such manner and proportion, and by such persons. . . .

"The said Committees for Sequestrations, or any two or more of them respectively, shall have power to examine by oath or otherwise, all and every person or persons (other than the parties themselves so declared to be delinquents) that probably may be able to discover such delinquents and Papists, or that may be trusted with, or privy to the keeping or conceding of the goods or estates of any such delinquent or Papist, or that shall owe anything to any such delinquent or Papist. And such as shall refuse to be examined, or to declare the whole truth therein, so far as he shall be so required, shall be committed to safe custody by the said Committee, or any two or more of them, employed for their examinations, till he or they shall conform him, her, or themselves."[1]

The severity of this Act was partly due to the fact that

[1] Scobell's *Collection of Acts and Ordinances made in Parliament*, pp. 49, 50, 1658.

the English Roman Catholics were actively assisting the King in the Civil War, and to the belief that the Papacy, through the Queen, was also assisting him. The atrocities committed by the Irish Rebels against Irish Protestants were also calculated to exasperate the Protestants of England. On April 3, 1646, Parliament published an Ordinance for "banishing all Papists from the cities of London and Westminster, and all other places within the lines of communication"; but this was not confined to Papists, for it also included "all officers, soldiers of fortune, and other persons who have borne arms against the Parliament."[1] It must not be forgotten that the members of the Church of England were persecuted by Parliament, as well as the Romanists. In the "Articles for the Future Government of the Commonwealth," it was decreed that liberty of doctrine and worship should be granted to all, "provided this liberty be not extended to Popery nor Prelacy."[2] In 1656, another persecuting Act of Parliament was passed, more severe than that of 1643. It provided that all Justices of the Peace shall, at the Quarter Sessions, present the names of all persons above the age of sixteen years, who are suspected or reputed to be Papists, and that such persons shall be required to appear at the next Quarter Sessions, and there take and subscribe the Oath of Abjuration, in these terms :—

"I, A. B., do abjure and renounce the Pope's Supremacy and authority over the Catholic Church in general, and over myself in particular. And I do believe the Church of Rome is not the true Church; and that there is not any Transubstantiation in the Sacrament of the Lord's Supper, or in the elements of bread and wine, after consecration thereof, by any person whatsoever. And I do also believe that there is not any Purgatory. And that the consecrated Host, Crucifixes, or Images, ought not to be worshipped, neither that any worship is due unto any of them. And I also believe that salvation cannot be merited by works. And I do sincerely testify and declare that the Pope, neither of himself, nor by any authority of the Church or See

[1] Cobbett's *Parliamentary History*, vol. iii. p. 453. [2] *Ibid.*, p. 1425.

of Rome, or by any other means with any other, hath any power or authority to depose the Chief Magistrate of these nations, or to dispose of any the countries or territories thereunto belonging, or to authorise any foreign Prince or State to invade or annoy him or them, or to discharge any of the people of these nations from their obedience to the Chief Magistrate; or to give licence or leave to any of the said people to bear arms, raise tumults, or to offer any violence or hurt to the person of the said Chief Magistrate, or to the State or Government of these nations, or to any of the people thereof. And I do further swear, that I do from my heart abhor, detest, and abjure this damnable doctrine and position, that Princes, Rulers, or Governors, which be excommunicated or deprived by the Pope, may, by virtue of such excommunication or deprivation, be killed, murdered, or deposed from their rule or Government, or any outrage or violence done unto them by the people that are under them, or by any other whatsoever, upon such pretence. And I do further swear, that I do believe that the Pope, or Bishop of Rome, hath no authority, power, or jurisdiction whatsoever, within England, Scotland, and Ireland, or any or either of them, or the dominion or territories belonging to them, or any or either of them. And all doctrines in affirmation of such points, I do abjure and renounce, without any equivocation, mental reservation, or secret evasion whatsoever, taking the words by me spoken according to the common and usual meaning of them. And I do believe no power derived from the Pope or Church of Rome, or any other person, can absolve me from this my oath. And I do renounce all pardons and dispensations to the contrary. So help me God."

It is further provided, that if any person so summoned to appear at the Quarter Sessions fails to do so, he "shall be adjudged a Popish Recusant convict to all intents and purposes whatsoever." All Churchwardens and Constables are required to present at the Quarter Sessions, four times each year, the names and addresses of all persons over sixteen years of age, who are suspected or reputed to be Papists, "or Popishly affected." Such persons are to be summoned to the next Quarter Sessions, and if they then fail to appear and take the oath cited above, they shall be adjudged Popish Recusants "convict, to all intents and purposes whatsoever." It shall be lawful to seize and take,

to the use of the Commonwealth, two-thirds of all the goods and chattels of every such so convicted Popish Recusant, unless he "shall conform by taking the said oath." If a Popish Recusant dies, then his, or her, heir, if sixteen years of age, shall hold the estate, with all its profits, if he takes the Oath provided in this Act, before the Barons of the Exchequer, in open Court. But if he refuses to take the Oath, then he shall have and enjoy the profits of the estate, "from such time only as such heir shall come before the said Barons, and take and subscribe the Oath as aforesaid, and not before." But, if the heir be under sixteen years, his, or her, Guardians shall pay the profits of the estate to the heir, until he, or she, is full sixteen years old; when the heir must take the Oath under the same penalty as those incur who enter on their estates after that age. A similar provision is made as to the widow and other children of a deceased Popish Recusant.

"And be it further enacted that, if any person being no Popish Recusant convict, nor sequestered for Popish Recusancy, shall marry or take to wife any woman that he shall know to be a Popish Recusant convict, then upon information exhibited, and proof thereof made in the Court of Exchequer, he shall be taken and adjudged a Popish Recusant convict, to all intents and purposes whatsoever, and shall be subjected and liable in his own particular estate, real and personal, to such seizures and penalties as any other Popish Recusant convict, until he shall come before the said Barons of the Exchequer, and in open Court take and subscribe the said Oath, and no longer."

Any person concealing the property of a Recusant is liable to pay one-third of the property so concealed. Any Justice of the Peace who neglects to issue a warrant to the Churchwardens and Constables of his district, commanding them to present Popish Recusants at the Quarter Sessions, shall, for each offence, forfeit £20. And if any Churchwarden or Constable neglects to present such persons, they shall, for every offence, forfeit £10. But if the estate

of a deceased Recusant should descend to a Protestant, "such person shall have his estate discharged without paying fees." It was also enacted that any person who shall be present at Mass ("other than the household servants that shall come over with any Ambassador"), whether in the house of an Ambassador, "or any other place whatsoever, shall be liable to a penalty of £100, and imprisonment by the space of six months."[1]

I cannot justify a cruel Act of Parliament like this; but I am glad to be able to add that it was not enforced to any great extent. Referring to this Act, Mr. Frith, the historian, says: "It, nor the old laws against Recusants, appear to have been seriously enforced. The Middlesex Sessions Records show no sign of any increased activity against the Catholics. In December 1657, eight priests, or supposed priests, were arrested in Covent Garden. Their crosses and jewels were confiscated, and Cromwell made some of his gentlemen try on their 'Copes and other Popish Vestments,' which caused 'abundance of mirth' in him and other spectators. But the priests themselves were neither indicted nor punished. It is not possible to determine the amount of revenue raised from the estates of the Recusants under this Act, but there is reason to believe it was very small."[2] Gardiner, while he seems to differ from Frith, as to the amount of money collected from Papists under this Act, says that Bordeaux, at that time Ambassador of France in London, writing a few months after the passing of the Act, "declared that though the laws against the Catholics had not been modified, the connivance shown to them, the number of priests remaining at large in London, and the freedom with which the Chapels of foreign Ambassadors were frequented, were sufficient evidence that *his co-religionists received better treatment under the Protector than had been accorded to them by any former Government, whether Royal or Parliamentary.*"[3]

[1] Scobell's *Collection of Acts and Ordinances made in Parliament*, pp. 443–449.
[2] Frith's *Last Years of the Protectorate*, vol. i. p. 79.
[3] Gardiner's *History of the Commonwealth and Protectorate*, vol. iv. p. 19.

CHAPTER XXIII

CHARLES II.

His Accession welcomed by the Papists—Charles' Secret Negotiations with the Pope in 1649—His double-faced Hypocrisy—Negotiations with Scotch Presbyterians—Lands in Scotland, and Swears to the Solemn League and Covenant—His Dunfermline Declaration against Prelacy and Popery—In 1651 Charles writes to the Pope for Assistance—Bishop Burnet on Charles' secret Reception into the Church of Rome—Father Peter Talbot, S.J.'s, Letter to Charles inviting him to become secretly a Romanist—Dr. Renehan's account of Charles' Secret Reception as a Romanist—Carte's Version of the Secret Reception—Charles denies his Reception—His Protestant Letter from Breda to the Speaker—An Act to punish those who said that the King was a Papist—Charles marries a Popish wife—He asks Parliament for Concessions to Romanists—Charles sends an Agent on a Secret Mission to the Pope—He boasts of his Services to the Papacy—The Agent carries Terms of Submission of the Three Kingdoms to the Pope—Charles' secret Correspondence with the General of the Jesuits—He tells the General that he abhors the Protestant Religion—Charles aims at establishing Popery in England—His Secret Conference in the Duke of York's House—His Relations with Louis XIV.—What Charles told the French Ambassador—The Secret Treaty of Dover—What Lord John Russell said about the Treaty—Charles issues a Declaration of Indulgence—Charles forms an Army to establish Popery.

THE Restoration of Charles II., in 1660, was an event which filled the Romanists with joyful hope. It seemed to them that they had every reason to expect favour from the King. He had made them many and important promises, and if their fulfilment had been consistent with his personal comfort and safety, they would have been realised. But Charles was a man devoid of honour. He was an unprincipled libertine, whose only care was for himself, and the gratification of his passions. When he ascended the Throne he was a Roman Catholic, though secretly, and he remained such until his dying day. But if the grant of favours to his Romish subjects meant personal incon-

venience to himself, he was quite ready to sacrifice even them.

Directly after the execution of his father, Charles entered into negotiations with Spain and the Pope, seeking for help to set him on the Throne by force of arms. On May 24, 1649, he signed secret instructions for Lord Cottington and Sir Edward Hyde, whom he sent as his Ambassadors Extraordinary to the King of Spain. "You shall," he told them, "assure his Catholic Majesty of our full resolution of grace and favour towards the Catholics of our several dominions; and that we are so far from an inclination to be severe against them, that we resolve not only to give them our utmost protection from the severity of those laws which have been made to their prejudice, but to endeavour effectually the repeal of those laws."[1] Charles sent Mr. Robert Meynell, a Roman Catholic gentleman, to negotiate with the Pope. He arrived in Rome on September 18, 1649, with written credentials from Charles. The Pope was asked to supply an annual sum of money for maintaining a war against Cromwell; that he should require all the Roman Catholic clergy in the world to give a third or fourth part of their income for the same purpose; and that all the Roman Catholic States should unitedly help Charles to obtain the Crown of England.[2] Fortunately, the negotiations with both the Pope and the King of Spain failed to secure the aid required.

At the very time that Charles' agents were busy on his behalf at Rome and Madrid, he—double-faced hypocrite as he was—was negotiating with the representatives of the Presbyterians of Scotland, with a view to his being crowned King of Scotland. Father Cyprien de Gamache, who, from his position as Confessor to Charles' mother, was well acquainted with what was going on in Royal circles, says that: "The bad state of his [Charles'] affairs obliged him to smother his just resentment, to use towards those

[1] *Clarendon State Papers*, vol. ii. p. 481, folio edition, 1767.
[2] *Lord Somers' Tracts*, vol. xiii. pp. 408–410.

dissembling people [the Scotch] a very ingenious and necessary dissimulation. He complied, therefore, with their humour, relinquished that majestic haughtiness which accompanies Royalty, exhibiting to them nothing but an agreeable, insinuating familiarity, which won them, and indeed induced them to take up his defence, his cause, and his establishment, to begin with. They made him a great number of proposals, demanding several things, which he granted with a good grace." [1] After negotiations on the Continent with Scotch Commissioners, he consented to accept their terms, and landed in Scotland early in July 1650. Before he landed he swore to, and signed, the Solemn League and Covenant, a document which in his heart he loathed and detested. On August 16 he signed the Dunfermline Declaration, in which he affirmed that: "He doth now detest and abhor all Popery, superstition, and idolatry, together with Prelacy and all errors, heresy, schism, and profaneness; and resolves not to tolerate, much less allow, of those in any part of his Majesty's Dominions, but to oppose himself thereto, and endeavour the extirpation thereof to the utmost of his power." [2] Charles never intended to keep his oaths and declarations, and in taking them was guilty of wilful perjury. But they served his purpose, for on New Year's Day, 1651, he was crowned King, and once more committed perjury by taking an Oath to maintain the Solemn League and Covenant. But all his perjuries failed to do him any permanent service, for on October 16, 1651, he landed in Normandy as a fugitive. He had no sooner arrived than he once more wrote to the Pope asking for assistance. Clarendon, writing to a correspondent on April 2, 1656, remarks: "I think I have told you heretofore that after the defeat at Worcester, and the King's coming into France, his Majesty was prevailed with (upon the confident undertaking of some men, that the Pope, upon those expressions of favour towards

[1] *The Court and Times of Charles the First*, vol. ii. p. 383.

[2] Burton's *History of Scotland*, vol. vii. p. 19.

his Catholic subjects which the King was ready to make, would take his condition to heart, and give him notable assistance) to write a letter to the last Pope, which was delivered by the General of the Augustines, who pretended to have authority for that undertaking, and desired the letter. The effect was no other but that the Pope liked well the expressions, but would have a certain time prefixed when the King would declare himself a Catholic." [1] I have no doubt, that, even at this early period in his life, Charles' judgment approved the doctrines of the Church of Rome, though he had not yet been formally received into Communion with that Church. It was not long after his arrival in France when it began to be rumoured that he had actually seceded to Rome. I do not think he had seceded at that time, for reasons to be explained further on. Bishop Burnet's account of Charles' alleged reception into the Church of Rome will be read with interest. He writes: "Before King Charles left Paris he changed his religion, but by whose persuasion is not yet known: only Cardinal de Retz was in the secret, and Lord Aubigny had a great hand in it. It was kept a great secret. Chancellor Hyde had some suspicion of it, but would never suffer himself to believe it quite. Soon after the Restoration, that Cardinal came over in disguise, and had an audience with the King: what passed is not known. The first ground I had to believe it was this: the Marquis de Roucy, who was the man of the greatest family in France that continued Protestant to the last, was much pressed by that Cardinal to change his religion: he was his kinsman and his particular friend. Among other reasons, one that he urged was that the Protestant religion must certainly be ruined, and that they could expect no protection from England, for to his certain knowledge both the Princes were already changed. Roucy told this in great confidence to his Minister, who after his death sent an advertisement of it to myself. Sir Allen Broderick, a great confident of the Chancellor's, who,

[1] *Clarendon State Papers*, vol. iii. p. 291, folio edition, 1767.

from being atheistical, became in the last years of his life an eminent penitent, as he was a man of great parts, with whom I had lived long in great confidence, on his death-bed sent me likewise an account of this matter, which he believed was done in Fontainebleau, before King Charles was sent to Colen." [1]

Towards the close of the year 1655, the Jesuits were actively engaged in seeking help for Charles, to restore him to the Throne of England. The leader of these negotiations was the well-known Jesuit, Father Peter Talbot, subsequently titular "Archbishop of Dublin." He was particularly anxious for help, in money and men, from Spain. The Spanish King and Government were quite willing to grant the needed assistance, but were unwilling to do so unless Charles became a Roman Catholic. The Jesuit Father, elated with the prospects of success, wrote a long letter to the King, dated Anvers, December 24, 1655, urging him to become "*secretly*" a Roman Catholic, from which letter I take the following extracts :—

"May it please Your Majesty.

"Mr. Harding hath assured me that he delivered my last letter unto your Majesty, wherein I advertised you of what I thought to be my duty; and though your Majesty seemeth to take no notice of that, nor of former letters, yet I will write this one more, the matter being of high concernment, and the opportunity once let slip, hardly ever recovered. It imports your Majesty most of any *to keep secret what followeth, and to consult none but God;* therefore I write in cypher, which will come to your Majesty's hands by another way. Saxby was desired by Count Fuensaldagna to tell what propositions he had to Father Talbot, that Father Talbot might deliver them in writing to Count Fuensaldagna; some things there were prejudicial to the King, though not named in particular; yet advantageous at the present for the King of Spain, as Don Alonzo and Count Fuensaldagna conceived. Father Talbot desired them both to reflect upon the evil consequences of Commonwealth and Parliament. They answered all was considered, and very good desires there were in the Council of Spain to help

[1] Burnet's *History of His Own Time*, vol. i. p. 126 (Oxford, 1823).

the King, but that at present one only way could enable them to help him; and that was, *that the King should* renounce the French faction, and BECOME A ROMAN CATHOLIC, YET SO SECRETLY, THAT NO LIVING CREATURE SHOULD KNOW OF IT, but Count Fuensaldagna, Don Alonzo, the Archduke and Father Talbot, or any other whom the King would name; and in all things proceed as the Queen of Sweden did.

"*For all his life, if it be not his interest, not to declare, and* IF THE SECRET BE DURING THE KING'S LIFE DISCOVERED, THEY ARE CONTENT TO LOSE THEIR HEADS. Father Talbot desired to know what might that avail the King? They answered that *the King of Spain and the Pope will engage themselves to get him all his own again;* and that very suddenly *by the Pope's collections of money* and other ways under divers pretexts . . . *if he* [the King] *resolve to be a Roman Catholic privately* as soon as he comes, let him in God's name come suddenly, but as *incognito* as if he were in England, for jealousies of Saxby and the States of Holland. One shall be despatched immediately to the King of Spain and Don Lewis, *another to the Pope*, and infallibly (by God's assistance) the King's business shall be done before it be six months. . . . Father Talbot urged that the King might come to Brussels, without desiring him to be a Roman Catholic, privately; but Count Fuensaldagna is much against his coming upon any other score; yet he is most earnest for it upon this, because he knows how profitable this will be for the King of England and the King of Spain. I desire your Majesty not to let slip this opportunity; though you live a hundred years there will never occur such circumstances to your advantage. Remember, Sir, that three kingdoms is worth a journey; Father Talbot takes upon himself all the danger, there can be none in that particular, he says. . . . The last words Count Fuensaldagna and Don Alonzo told Father Talbot were these: 'Tell the King of England that he shall find among us *secrecy*, honour, and real dealing; and assure him that if he will do what we desire, we will live and die together; let him make no capitulations, for that will be suspicious; *the more he trusts the King of Spain and the Pope the better it is.*' . . . But *secrecy is the life of all*—it shall be kept on this side, let the King of England keep his own. "P. T."[1]

Three weeks later the Jesuit Talbot wrote again to the King, as to instruction to be given him in the Roman Catholic faith: "It was never thought, and much less

[1] *Clarendon State Papers*, vol. iii. pp. 280–283, folio edition, 1767.

said, that your Majesty was of any other religion than that of which you profess; yet it was believed, and must be still as an article of our faith, that only want of information can alienate a person of your Majesty's great wit and judgment from our communion; and truly I did, and do always suppose, that a very short time is sufficient to inform one who hath so much knowledge beforehand as your Majesty. This confidence, or rather belief, can be no greater crime than the other articles of our faith; therefore I can as little crave pardon for it, as for professing myself a Catholic."[1]

Probably a more disgraceful letter than Talbot's, of December 24th, was never penned by a professedly Christian Minister. Coldly, and deliberately, he proposes to the King that the whole of his future life should be an acted lie; that, outwardly, and to the whole world, he should profess himself to be a Protestant, while in reality he should be a traitor to the faith he publicly professed! Talbot wrote several times to the King on the subject. At last his efforts were rewarded with success; and he had the privilege of himself formally receiving the King into communion with the Church of Rome. The story of his reception is thus related by the Rev. Laurence Renehan, D.D., who from 1845 to 1857 was President of Maynooth College.

"Charles II.," writes Dr. Renehan, "fled to Paris, whence he removed to Cologne in July, 1655, after the conclusion of the treaty between the French Court and Cromwell. His Majesty now turned his thoughts on engaging the Spanish Court to assist in his restoration. Talbot possessed a great deal of influence with many of the Spanish Ministers in Flanders, and particularly with the Count de Fuensaldagna, who at that time was the actual Governor of the country, though the Archduke Leopold enjoyed the title. His old and special intimacy with Father Daniel Daly, *alias* Dominick a Rosario, a native of Kerry, and then the Ambassador of the King of Portugal at the

[1] *Clarendon State Papers*, vol. iii. p. 285, folio edition, 1767.

Court of France, *besides the vast power and influence of the Society to which he belonged* [*i.e.* the Jesuit Order] enabled Talbot to be of incalculable service to Charles in the days of his distress. He frequently visited his Majesty at Cologne, and was always honoured with the most gracious and friendly reception. Conversation, after some acquaintance, often turned on the respective merits of the Catholic and Protestant religion. If the King was willing to learn, Talbot was able and willing to teach; and so deep was the impression made on the conscience of His Majesty, that after a *secret conference* of some days, he at length shut himself up with our professor [Talbot] in his closet for several days till his conviction was fully completed, and every doubt removed from his mind. Charles, however, was not a man who would forfeit a crown to follow his convictions. He knew how much the English mind was maddened by the spirit of bigotry against the Catholic Church, he knew the character of Ormond and the others that surrounded his person, he probably saw that these calculating Royalists might believe that his conversion would mar their projects for the settlement and partition of Ireland; *and he therefore determined to be received into the bosom of the Catholic Church as secretly as possible*, and afterwards, and then only, to absent himself from Protestant Communion, but to make no declaration of his religious opinions. *Talbot had thus the pleasure to witness his solemn renunciation of the errors of Protestantism, and to receive him, after a formal profession of faith, into the Catholic Church, and no doubt to administer to him the holy sacraments.*

"King Charles, soon after his conversion in 1655, or '56, despatched Father P. Talbot on an Embassy to the Court of Spain. The purport of this Embassy was studiously concealed from his Protestant Ministers, and hence some of them afterwards suspected that among other things Talbot was authorised to communicate to Philip IV. the fact of Charles' reconciliation to the Catholic Church."[1]

[1] Renehan's *Collections on Irish Church History*, pp. 202, 203.

The date of Charles' secret reception into the Church of Rome, as given by Dr. Renehan, is "1655 or '56." I have no doubt that this story is reliable. There is another version of the same story to be read in Carte's *Life of Ormond*, which confirms the accuracy of what Dr. Renehan states. The Duke of Ormond was one of the most trusted counsellors of Charles II. during his stay on the Continent previous to his Restoration. The Duke, though thoroughly loyal to the King, was, unlike some other of his counsellors, also true to the Protestant faith. After stating that, in 1656, Charles II. of England was anxious to enter into a treaty with the Court of Spain, Carte relates that :—

"Either a slowness natural to that Court, and observed in all their counsels and proceedings, or some other reason, caused a great delay in the Treaty which his Majesty was desirous to conclude with the King of Spain. It was on this occasion suggested by some Roman Catholics to the King, that the dilatoriness of that Court arose from their aversion to enter into any league with a Prince of a different religion ; and that if he would suffer the Duke of Gloucester, or, if he could be persuaded himself, to make profession of their religion, it would be a vast advantage to his affairs. The mischiefs that would arise from the King's *open* profession were so very great, and so very evident, that Mr. Walsingham and the most zealous of that party could not but acknowledge the danger of such a step ; and yet it being as certain that the Pope and Roman Catholic Princes of Europe would not assist his Majesty as long as he continued of a different Communion, it was proposed as an expedient that he should be *secretly reconciled to the Church of Rome. This was supposed to be done about this time ;* for Father Peter Talbot was very often shut up with him in his closet at Cologne, where they had many private conferences together, and in consequence thereof he was despatched in the spring of this year to Madrid on a very secret affair, which, not being communicated to the Council,

was imagined to be to impart to his Catholic Majesty the King's assent to the Roman Catholic religion." [1]

Carte adds that "The King had carefully concealed that change [of religion] from the Duke of Ormond, who yet discovered it by accident. The Duke had some suspicions of it from the time that they removed from Cologne to Flanders, for though he never observed that zeal and concern as to divine things which he often wished in the King, yet so much as appeared in him at any time looked that way. However, he thought it so very little that he hoped it would soon wear off upon returning to his Kingdoms, and was not fully convinced of his change till about the time the Treaty of the Pyrenees was going to be opened. The Duke was always a very early riser, and being then at Brussels, used to amuse himself, . . . in walking about the town, and seeing the churches. Going one morning very early by a church, . . . he stepped in, and advancing near the altar, *he saw the King on his knees at Mass.* . . . Because the King had kept his conversion as a secret from him, it was by no means proper for him to show that he had made the discovery." [2]

The Marquis of Halifax, who held high office in the Government of Charles II., emphatically declared: "I conclude that when he [Charles] came into England he was as certainly a Roman Catholic as that he was a man of pleasure, both very consistent by visible experience." [3] Towards the close of 1658, rumours were circulated in England that Charles had become a Romanist. When they reached his ears he wrote a letter from Brussels to the Protestant Ministers at Amsterdam and Rotterdam, in which he said that it was "very strange" such rumours had gone abroad, "since the world cannot but take notice of Our constant and uninterrupted profession and exercise" of the Protestant religion; "and that no man hath or can more manifest

[1] Carte's *Life of the Duke of Ormond*, vol. iii. pp. 651, 652, edition 1851.

[2] *Ibid.*, vol. iv. pp. 109–111. See also *The Jesuits in Great Britain*, by Walter Walsh, pp. 231–233.

[3] *Life and Letters of the First Marquis of Halifax*, vol. ii. p. 345.

his affection to, and zeal for, the Protestant religion than We have done." [1] And again, when he was about to return to England to be crowned its King, Charles wrote from Breda to the Speaker of the House of Commons: "If you desire the advancement and propagation of the Protestant religion, We have, by Our constant profession and practice of it, given sufficient testimony to the world, that neither the unkindness of those of the same faith towards Us, nor the civilities and obligations from those of a contrary profession (of both which We have had abundant evidence), could in the least degree startle Us, or make Us swerve from it. And nothing can be proposed to manifest Our zeal and affection for it, to which We will not readily consent. And We hope in due time Ourself to propose somewhat to you for the propagation of it, that will satisfy the world that We have always made it both Our care and Our study." [2]

Charles knew very well that without some such professions of Protestantism he could never become King of England. He succeeded in thus deceiving the Parliament, and in due course his Coronation took place. No doubt it served to blind his new subjects when they knew that, in the year of his Restoration, he gave his assent to the Act 12 Charles II., cap. 18, which provided that from the general pardon should be excepted, "all and every offence and offences committed or done by any Jesuit, Seminary, or Romish priest whatsoever, contrary to the tenor or effect of the Statute made in the seven-and twentieth year of the Reign of the late Queen Elizabeth, entitled, 'An Act against Jesuits, Seminary Priests, and other Disobedient Persons,' or any part thereof, and all outlawries, proceedings, judgments, and executions for the same offences, or any of them." But the King was not a year on his Throne before rumours were revived to the effect that he was secretly a Romanist, and intended to promote Popery in his Dominions. For the purpose of stopping

[1] *Clarendon State Papers*, vol. iii. pp. 419, 420, folio edition.
[2] Cobbett's *Parliamentary History*, vol. iv. p. 19.

by force such unwelcome rumours, it was provided by the Act 13 Charles II., cap. 1, sect. 2, that: "If any person or persons at any time after the four-and-twentieth day of June, in the year of our Lord, 1661, during his Majesty's life, shall maliciously and advisedly publish or affirm the King to be an heretic or Papist, or that he endeavours to introduce Popery . . . then every such person and persons, being thereof legally convicted, shall be disabled to have or enjoy, and is hereby disabled and made incapable of having, holding, enjoying, or exercising any place, office, or promotion ecclesiastical, civil, or military, or any other employment in Church or State, other than that of his Peerage." With such an Act as this in force the wonder is that anybody had the courage to infringe it. It proved, however, very serviceable to the King, who must have dreaded exposure more than anything else.

Having, by means of oft-repeated professions of Protestantism, blinded the eyes of Englishmen as to his true objects, Charles II. for two years after his Restoration went on in security, doing his utmost for the promotion of arbitrary power and Popery in his Kingdom. "The project to make the King absolute," writes Rapin, "and equally to employ for that purpose the assistance of Catholics and Protestants, begun by James I., vigorously pursued by Charles I., interrupted by twenty years' troubles, was eagerly resumed under Charles II."[1] Contrary to the wishes of a majority of his subjects, he insisted on selecting as his wife a Roman Catholic Princess, Catherine of Braganza, Infanta of Portugal, to whom he was married at Portsmouth on May 24, 1662. King James II. tells us in his *Memoirs Writ of His Own Hand*, that she was first of all secretly married by Lord Aubigny, a Roman Catholic priest, and subsequently she was *publicly* married by the Protestant Bishop of London. "Their Majesties," wrote James II., "were married by my Lord Aubigny, Almoner to the Queen, *but so privately* (*not to offend the Protestants*) that none were present but some few Portuguese, as wit-

[1] Rapin's *History of England*, vol. xi. p. 187.

nesses. Soon after this, the King and Queen coming forth into the great room, where all the company was, and being seated in two chairs, Doctor Sheldon, then Bishop of London, performed the outward ceremony in public, of declaring them to be man and wife." [1]

Amongst those who went to Portsmouth to visit the new Queen, and congratulate her on her arrival, was the Provincial of the English Jesuits, who presented to her the respects of his Society.[2] Her Confessor, who came over with her from Portugal, a Father Mark Anthony Galli, was a Jesuit. He applied to the General of his Order to admit the Queen into a participation in the "merits of the Society," towards which she ever manifested a great friendliness.[3]

When Parliament met on February 18, 1663, Charles tried, in his speech from the Throne, to obtain some concessions for Roman Catholics. He said: "I am in my nature an enemy to all severity for religion and conscience, how mistaken soever it be, when it extends to capital and sanguinary punishments, which I am told were begun in Popish times. Therefore, when I say this, I hope I shall not need to warn any here not to infer from thence, that I mean to favour Popery. I must confess to you there are many of that profession, who, having served my father and myself very well, may fairly hope for some part in that indulgence I would willingly afford to others, who dissent from us. But let me explain myself, lest some mistake me herein, as I hear they did in my Declaration. I am far from meaning by this a toleration or qualifying them thereby to hold any offices or places of trust in the Government; nay, further, I desire some laws may be made to hinder the growth and progress of their doctrine. I hope you have all so good an opinion of my zeal for the Protestant religion, as, I need not tell you, I will not yield to any therein, not to the Bishops themselves." [4]

Charles always boasted most of his zeal for the Protestant

[1] Clarke's *Life of James the Second*, vol. i. p. 394.
[2] Foley's *Records of the English Province S.J.*, vol. iv. p. 278.
[3] *Ibid.*, p. 279.
[4] Cobbett's *Parliamentary History*, vol. iv. p. 259.

religion at the very moment when he was helping on Popery. Parliament was not altogether satisfied with this speech from the Throne, and, therefore, after consideration, both Houses united in sending his Majesty, on March 31, a petition for the enforcement of the penal laws against Popery. They complained that: "By the great resort of Jesuits and Romish priests into this Kingdom, your good subjects are generally much affected with jealousy and apprehension. . . . Your Majesty's two Houses of Parliament are, therefore, humble suitors to your Majesty to issue out your Proclamation to command all Jesuits, and all English, Irish, and Scottish Popish priests . . . to depart the Kingdom by a day, under pain of having the laws inflicted upon them." In reply to this Petition, Charles promised to issue the required Proclamation.[1] As Rapin remarks: "The Proclamation was accordingly published, but no better observed than all those published for the same purpose since the beginning of the Reign of James I. As it was not then known that the King was a Catholic, his assurances of zeal for the Protestant Religion were taken for so many truths, which removed all suspicion of his having the least design to restore the Catholic religion in England. As we are now better informed, we are better able to judge of his intentions." [2] Only a few months before he issued this Proclamation, the King, in October 1662, had sent Sir Richard Bellings, an Irish Roman Catholic, and Secretary to Charles' Roman Catholic wife, on a secret mission to the Pope, to ask that a Cardinal's hat should be given to Lord Aubigny, Almoner to the Queen. The wishes of Charles were supported by his mother and wife. Bellings took with him to Rome a Report of "The Favours and Benefits bestowed upon the English Catholics by the Reigning Monarch," in the handwriting of Charles himself. In this document the King boasted of his services to the Papacy during the first two years of his reign, which he enumerated as follows:—

[1] Cobbett's *Parliamentary History*, vol. iv. pp. 263–265.
[2] Rapin's *History of England*, vol. xi. p. 251.

"1. He had relieved a large number of Catholics from the sentence of confiscation of property pronounced on them under Cromwell.

"2. He had suspended the execution of a portion of the Penal Laws; so much, namely, as punished non-attendance at Protestant worship, in the case of rich Catholics, by the loss of two-thirds of their estate, and in the case of poor, by a fine of a shilling for every instance of recusancy.

"3. He had set at liberty priests and religious, who were in prison or under sentence of death, for exercising their ministry.

"4. He had abolished the pursuivants, the officials charged with the duty of searching out priests in the houses of Catholics, and had thus put an end to an intolerable oppression, inasmuch as a Catholic in whose house a priest was found was liable to confiscation of property and banishment for life.

"5. Notwithstanding other and much more advantageous proposals, he had married a Catholic Princess.

"6. He had permitted the erection of two public chapels in London for the Queen-Mother and his own Consort; in the Queen's chapel the choral office was solemnly celebrated by the Benedictines, while in that of the Queen-Mother the functions were carried out by Capuchins. All this was the cause of great consolation to the Catholics, who had free access to the Divine Service in the Royal Chapels.

"7. He had, immediately on ascending the throne, caused liberal alms to be bestowed on the English Nuns living in Flanders, especially those domiciled at Ghent; and even during his exile in Holland he had sent to the latter sixteen hundred scudi, in earnest of his goodwill towards them.

"8. He had given the Ghent Nuns permission to build a Convent at Dunkirk, and to this he himself contributed twelve thousand scudi.

"9. He had repeatedly received in audience priests and religious, *in particular two Provincials of the Jesuits, and had assured them of his protection.*

"10. *He had visited the Queen's Chapel*, attended by his Court, *had assisted at part of the High Mass, and knelt profoundly at the elevation.*

"11. He had given the Catholic Lords a seat and voice in the Upper House of Parliament, a concession unheard of since the reign of Elizabeth.

"12. The oath of allegiance prescribed to Catholics on entering or leaving the Kingdom had been abolished.

"13. Thirty thousand Catholics belonging to the London train-

bands, who had declared themselves unable to take the oath according to the customary form, had been permitted to subscribe to a new formula, in which the name of the Pope was not mentioned.

"14. Several Catholics had been appointed to positions of trust.

"15. The endeavours of Parliament at the beginning of the current year, to provide for the enforcing of the Penal Laws, had been opposed by the King.

"16. He had deprived the Exchequer of a considerable sum by not permitting it to appropriate the forfeited two-thirds of the estates of Catholics.

"17. With regard to the accusations that the King had prescribed to Catholics a form of oath prejudicial to their loyalty to the Pope, it was to be observed that the real responsibility for the formula in question rested with one Peter Walsh, a Franciscan friar, who drew it up and had it printed and subscribed to by a number of his religious brethren; whilst a Dominican bishop, and others, had presented it to the King, with the assurance that Catholics might lawfully take it." [1]

Here was abundant evidence of the Royal goodwill towards the Papacy. But Sir Richard Bellings was entrusted, at the same time, with a further mission. The late Lord Acton wrote an article in the *Home and Foreign Review*, on "The Secret History of Charles II." For this article he was supplied with copies of original documents, relating to this period, by Father Boero, Librarian of the Jesuits' College in Rome. His Lordship states that "*Sir Richard Bellings carried to Rome proposals for the submission of the three Kingdoms to the Church* [*of Rome*], *and presented to Alexander VII. the King's profession of Faith.*" [2] In this document, Bellesheim states, the King describes the "greatly longed-for union of his three Kingdoms of England, Scotland, and Ireland with the Apostolic Roman See." The King also professed his willingness to accept all the Decrees of the Council of Trent, and the decisions of recent Popes against the Jansenistic doctrines; and expressed his detestation of what he termed "the deplorable schism and heresy introduced by Luther, Zwingle, Calvin, and other

[1] Bellesheim's *History of the Catholic Church of Scotland*, vol. iv. pp. 97–101.
[2] *Home and Foreign Review*, 1862, vol. i. p. 154.

wicked men," and the "Babylonish confusion" brought about by the Protestant Reformation.[1]

If further proof be needed to show that Charles, while King of England, attending the services of the Church of England, and even taking the Sacrament in her communion, was in reality all the time a Roman Catholic, it will be found in the story of his first illegitimate son, as related for the first time in Italy, in 1863, by a Jesuit priest, Father Boero, in the columns of the *Civilta Cattolica*, the official organ of the Jesuit Order at Rome. The articles contributed by Father Boero to that magazine were subsequently reissued by the Jesuits as a pamphlet of 79 pages with the following title: "*Istoria Della Conversione Alla Chiesa Cattolica Di Carlo II. Re D'Ingilterra*, Cavata Da Scritture Autentiche ed Originali, Per Giuseppe Boero, D.C.D.G." In 1866 a translation into English of some of the documents in this extraordinary pamphlet appeared in the *Gentleman's Magazine*. An article on Father Boero's revelations appeared in the *Home and Foreign Review* for July, 1862, which was then edited by the late Lord Acton. The article bears his initials, and is entitled, "Secret History of Charles II." Lord Acton had been shown the documents by Father Boero, before they were published by him in Italy, and he gives his readers a most interesting account of the secret intrigues of Charles with the Pope and the General of the Jesuits. In 1890 the late Mr. W. Maziere Brady, a Roman Catholic residing in Rome, devoted a chapter of his book, entitled *Anglo-Roman Papers*, to the story of "The Eldest Natural Son of Charles II." Neither Lord Acton nor Mr. Brady express any doubt as to the truthfulness of Father Boero's extraordinary narrative.

From these documents we learn that, early in the year 1668, Charles' eldest illegitimate son, James Stuart, under the *alias* of James de la Cloche, was received into the Order of Jesuits at Rome, as a novice. When the news reached London, the young man's Royal father expressed his satis-

[1] Bellesheim's *History of the Catholic Church of Scotland*, vol. iv. p. 101.

faction in a long and secret letter, which he addressed to the General of the Jesuits, on August 3, 1668. In this document Charles tells the General that he had long prayed that God would send him some one to whom he "could confide the important matter of Our spiritual welfare, *without giving Our Court the shadow of a suspicion that We were a Catholic.*" There were, he said, "a large number of priests" of the Church of Rome about the Court, but he could not with safety accept the services of any of them, for fear of detection. Under these circumstances it seemed to him a "Providence of God" that he had now a son of his own in the Jesuit College at Rome. This son would, he hoped, be sent by the General as quickly as possible to London, to be secretly ordained a Roman Catholic priest, in order, said the King, that he may "administer to Us, privately, the Sacraments of Confession and Communion, which We desire to receive without delay," and thus enable his father to "*practise the rites of the Roman Catholic religion* without exciting in Our Court the shadow of a doubt that We belong to that persuasion." He tells the General: "*We often wrote secretly to His Holiness* concerning Our own conversion to the Roman Catholic Church"; thus proving that the Pope was not ignorant of the facts of the case; and he adds that he had no wish to withdraw his son from the Jesuit Order; on the contrary, he assured the General: "We hold it near to Our heart that he should pass his life with you." Apparently the King felt that although he had been formally received into the Church of Rome thirteen years previously, yet, for his attendance at Church of England services, and his hypocritical promises to support the Protestant religion, and his other innumerable wickednesses, he needed absolution, and therefore he expressed a hope that his son, when he arrived in London, would "absolve Us from heresy and reconcile Us to God and His Church." In conclusion, he assures the General of his Royal affection and goodwill to the Jesuit Order, and of his desire to assist it.

On the same day Charles wrote direct to his natural son, telling him about his plans for his future, and urging him not to write to his father, "in order that not the slightest suspicion of Our being a Catholic may arise," and assuring him of "the good feelings which We entertain for the Reverend Fathers, the Jesuits." On August 29, 1668, the King again wrote to the General of the Jesuits on the same subject, and urged him to become a party to a deception which he was practising on the Queen of Sweden, evidently without a doubt that he would comply with his underhand wishes. He tells the General that he is in great fear lest the fact that he is a Roman Catholic should be discovered by his subjects, for "of all the evils that could surround Us, the *certainty* that We were a Catholic would be the greatest, and the most likely to cause Our death."

The King wrote a second letter, on the same day, to the General of the Jesuits, giving further directions for his son's journey to England, and ordering that on his arrival he should call himself by the name of Henry de Rohan. The King informs the General that he takes note secretly and circumspectly of all departures and arrivals of vessels at the various English ports, and of the arrival of all strangers: "This," says Charles II., "We do on colour of zeal for the Kingdom and on pretext of maintaining *the Protestant religion, to which We feign to be more than ever attached, although before God Who sees the heart We abhor it as most false and pernicious.* We now desire Our son not to travel *viâ* France. We ask you, Father General, to spread a report that he is gone to Jersey or Hanton to see his pretended mother, who wishes to become a Catholic. . . . No doubt, when time and circumstances shall permit *Our writing to acquaint His Holiness of the obedience which We owe to him as Vicar of Christ*, We hope that he will entertain for Us such benevolence as not to refuse Our son the Cardinal's hat. If it should be inconvenient for him to reside in England as a Cardinal, We can send him to reside in Rome, as We intend, with all the Royal magnificence due

to his rank. If he wishes, nevertheless, to be a simple Jesuit, We shall not force the purple on him against his will." [1]

It is impossible for any honest-minded man to read these letters without indignation at the infamous conduct of the King. We look in vain for any censure of his duplicity on the part of the Pope or the General of the Jesuits, who were evidently well acquainted with his underhand proceedings. The son referred to came to London as requested, with a certificate of his identity in his pocket from the General of the Jesuits; but his after-proceedings are, to a large extent, shrouded in mystery.

Charles continued to give evidence of his goodwill towards the Papacy throughout his reign; but in nothing was this more clearly manifested than in his relations with Louis XIV., King of France. "On the 25th of January, 1669," writes the author of the *Life of the First Earl of Shaftesbury*, "the King held a secret conference, in the Duke of York's house, with the Duke, who had lately embraced the Roman Catholic religion, Lord Arundel of Wardour, a Roman Catholic, and Arlington and Clifford, who were both, if not Roman Catholics, more or less disposed to that religion, and who both ended by adopting it; and on this occasion Charles *declared* himself a Roman Catholic, expressed his grief at not being able publicly to avow his religion, and, stating that he wished to encounter the difficulties while he was young and vigorous, *asked advice as to the means of establishing the Roman Catholic religion in England.*" [2] This statement is confirmed by the testimony of the Duke of York himself, who further relates that he:—

"Well knowing that the King was of the same mind [*i.e.* to declare himself a Roman Catholic], and that his Majesty had opened himself upon it to Lord Arundel of Wardour, Lord Arlington, and Sir Thomas Clifford, took an occasion to discourse with him upon that subject at the same time, and found him resolved as to his being a Catholic, and very sensible of the uneasiness it was to him to live in so much danger and constraint;

[1] Brady's *Anglo-Roman Papers*, p. 103.

[2] *Life of the First Earl of Shaftesbury*, by W. D. Christie, vol. ii. p. 16.

and that he intended to have a private meeting with those persons above-named, at the Duke's closet, *to advise with them about the ways and methods fit to be taken for advancing the Catholic religion in his dominions*, being resolved not to live any longer in the constraint he was under. This meeting was on the 25th of January, the day on which the Church celebrates the Conversion of St. Paul.

"When they were met according to the King's appointment, he declared his mind to them in the matter of religion, and repeated what he had newly before said to the Duke—*how uneasy it was to him not to profess the faith he believed*, and that he had called them together to have their advice about the ways and methods fittest to be taken for the settling of the Catholic religion in his Kingdoms, and to consider of the time most proper to declare himself; telling them withal, that no time ought to be lost; that he was to expect to meet with many and great difficulties in bringing it about, and that he chose rather to undertake it now, when he and his brother were in their full strength and able to undergo any fatigue, than to delay it until they were grown older, and less fit to go through with so great a design. This he spake with great earnestness, and even with tears in his eyes; and added, that they were to go about it as wise men and good Catholics ought to do.

"The consultation lasted long, and the result was that there was no better way for doing this great work, than to do it in conjunction with France and with the assistance of His Most Christian Majesty; the House of Austria not being in a condition to help in it; and, in pursuance of this resolution, Mons. de Croissy Colbert, the French Ambassador, was to be entrusted with the secret in order to inform his master of it, that he might receive a power to treat about it with our King."[1]

Charles held several secret interviews with the French Ambassador on the subject, in which they plotted the destruction of the Protestant religion of England by force of arms. In a despatch to Louis XIV., dated November 13, 1669, Colbert tells his master that in a secret interview he had with Charles:—

"He told me that he believed I must have thought that he and those to whom he had entrusted the conduct of this affair,

[1] *Life of James the Second:* Collected out of Memoirs writ of his own hand, edited by the Rev. J. S. Clarke, vol. i. pp. 441, 442.

were all fools to pretend to re-establish the Catholic religion in England; that, in effect, every versed person in the affairs of his Kingdom, and the humour of his people, ought to have the same thought; but that, after all, he hoped that with your Majesty's support, this great undertaking would have a happy success. That the Presbyterians and all the other sects had a greater aversion to the English Church than to the Catholics. That all the sectaries desired only the free exercise of their religion, and provided they could obtain it, as it was his design they should, they would not oppose his intended change of religion. That besides, he has some good troops strongly attached to him, and if the deceased King his father had had as many, he would have stifled in their birth those troubles that caused his ruin. That he would still augment as much as possible his regiments and companies, *under the most specious pretexts he could devise;* that all the magazines of arms are at his disposal, and all well filled. That he was sure of the principal places in England and Scotland: that the Governor of Hull was a Catholic; that those of Portsmouth, Plymouth, and many other places he named, among the rest Windsor, would never depart from the duty they owed him; that as to the troops in Ireland, he hoped the Duke of Ormond, who had very great credit there, would be always faithful to him; and that though the Duke, not approving this change of religion, should fail in his duty, my Lord Orrery, who was a Catholic in his heart, and who had still a greater power in that army, would lead it wherever he should command him. That your Majesty's friendship, of which he had the most obliging proofs in the world by the answers given to his proposals, and with which he assured me he was entirely satisfied, would also be of great service to him; and, in short, he told me that he was pressed both by his conscience, and by the confusion which he saw increasing from day to day in his Kingdom, to the diminution of his authority, to declare himself a Catholic." [1]

It is noteworthy that, all the while this evil plot was being prepared, the country knew nothing at all about it, and, in a state of fancied security, was really sleeping on a volcano. At last the negotiations between Charles II. and Louis XIV. ended in the Treaty of Dover, of which James II. writes: "The Treaty was not finally concluded and signed, till about the beginning of 1670, the purport of which was,

[1] *Memoirs of Great Britain*, by Sir John Dalrymple, second edition, vol. ii., 1773, Appendix, p. 39.

that the French King was to give £200,000 a year, by quarterly payments, the first of which to begin when the ratifications were exchanged, *to enable the King to begin the work in England; that when the Catholic religion was settled here*, our King was to join with France in making war upon Holland.[1] . . . *All this was translated with the last secrecy*, and in preparation thereunto, Colonel Fitzgerald, lately come from Tangier, where he had been Governor, was to have a new regiment of foot prepared for him, and such officers chosen for it as might be confided in. . . . The rigorous Church of England men were let loose and en*couraged underhand* to prosecute according to the law the Nonconformists, to the end that these might be the more sensible of the ease they should have when the Catholics prevailed."[2] The author of *The Secret History of the Court and Reign of Charles II.*, published in 1792, states that "Lord Arundel of Wardour, a declared Papist, was the person appointed to go to Paris, with full instructions; *and none of the Ministry or Council were admitted into the secret*, but Arlington, Clifford, and Sir Richard Bealing, who were all Roman Catholics."[3] The first article of this Secret Treaty of Dover was as follows :—

"Art. 1. The King of Great Britain being convinced of the truth of the Catholic religion, and resolved to *declare* himself a Catholic, and to reconcile himself to the Church of Rome, thinks the assistance of His Most Christian Majesty may be necessary to facilitate the execution of his design. It is, therefore, agreed and concluded upon, that His Most Christian Majesty shall supply the King of England, before the said declaration, with the sum of £200,000 sterling, one-half to be paid in three months after the ratification of the present Treaty, and the other half in three months more: and further, that His Most Christian Majesty shall assist the King of England *with troops and money*, as there may be occasion, *in case the said King's subjects should not acquiesce in the said declaration and rebel against his said Britannic Majesty*, which is not thought likely."[4]

[1] Holland was a Protestant nation, and therefore it was necessary that it should be crushed. [2] *Life of James the Second*, vol. i. pp. 442, 443.

[3] *Secret History of the Court of Charles II.*, vol. ii., Supplement, p. 3.

[4] *Ibid.*, p. 4.

The reading of this secret article of the Dover Treaty greatly moved the indignation of the late Lord John Russell. "It is impossible," he wrote, "to read this article without indignation at the unprincipled ambition, the shameless venality, and the cool hypocrisy of Charles. For the sake of public tranquillity an army of Frenchmen was to be introduced into England, to force the nation to embrace a religion they detested! The holy name of God is used for the purpose of sanctioning the subjugation of a free people by the assistance of a foreign power! Such was the return which a King of the House of Stuart thought fit to make to a country which had received him with unlimited confidence. Neither the affection which the people had shown to his person, nor the general duty of a Sovereign to his subjects, nor the solemn obligation of an oath, were sufficient to restrain Charles from signing a treaty, which will ever remain a monument of ingratitude, perjury, and treason. And as his offence cannot be justified, so neither can it be palliated. He was not obliged, whatever he might allege, by the unreasonable demands or unquiet humours of his people, to fly to foreign protection: his perfidy was as spontaneous as it was unexampled." [1]

By the Treaty of Dover, Charles engaged to join with Louis XIV. in a war against Holland, whose Protestantism was an object of hatred to both Kings. Under false pretences the English Parliament was induced to vote large sums of money to carry on this war, but this was supplemented by large grants of money from the King of France.

With the hope that the Roman Catholics, Presbyterians, and Dissenters would rally round him, Charles, shortly before commencing this war, issued a Declaration of Indulgence, by which he suspended the execution of the penal laws against Roman Catholics and Nonconformists, allowing the latter to publicly hold Divine services in licensed buildings, and the former to have services in private

[1] *The Life of William Lord Russell*, by Lord John Russell, fourth edition, p. 47.

houses, and to be exempted from the penalties to which they were subjected by law. Bishop Burnet says the Presbyterians thanked the King for his Declaration, but, apparently, they afterwards changed their mind, for Rapin assures us that: "The King and the Cabal were extremely mistaken in imagining that the Declaration for Liberty of Conscience would gain the Presbyterians, in return for so great a favour. The leaders of the Presbyterians were too wise to be taken in so palpable and dangerous a snare. It was easy for them to see, they were only designed for instruments to advance the interests of the Romish religion. When they reflected that this favour was received from the King, the Duke of York, and the members of the Cabal, they could not believe it flowed from a principle of religion or humanity. They saw, besides, so many extraordinary proceedings, so many invasions upon the rights of the people; the Papists indulged in their religion; the King making exorbitant demands upon his Parliament; an army encamped at the very gates of London in the midst of winter; a war begun to destroy the only Protestant State capable of supporting religion, and Papists in the principal posts; all this sufficiently demonstrated that the suspension of the Penal Laws was not for their sake." [1]

With a portion of the money obtained from the King of France, and a grant obtained from his own Parliament by false pretences, Charles set to work to form an army likely to do his bidding, and carry out his plans. On this scheme a writer of the period remarks: "And now the King, having got the money in his hands, a new project was set on foot, to set up an army in England for the introduction of slavery and Popery, under pretence of landing in Holland; which was raised with all the expedition imaginable; over which, a Colonel Fitzgerald, an Irish Papist, was made Major-General, so were the greatest number of the Captains and other officers of the same stamp." [2]

[1] Rapin's *History of England*, vol. xi. pp. 385, 386.
[2] *Secret History of Charles II. and James II.*, p. 70.

"Nor were they ignorant of the real design for which the King had raised his army, and what care the King and his brother took, that there should be no other officers in that army than what were fit for the work in hand, which was to introduce Popery and French government by main force; four parts of the five being downright Papists, or else such as resolved so to be upon the least intimation. The Duke [of York] recommending all such as he knew fit for the turn, and no less than a hundred commissions being signed by Secretary W. to Irish Papists to raise Forces, notwithstanding the late Act, by which means both the land and Naval Forces were in safe hands; and to complete the work, hardly a Judge, Justice of the Peace, or any officer in England but what was of the Duke's promotion. Nor were they ignorant of the private negotiations carried on by the Duke, with the King's connivance, with the Pope and Cardinal Norfolk, who had undertaken to raise money from the Church sufficient to supply the King's wants, till the work were done, in case the Parliament should smoke their design, and refuse to give any more. Nor was the Parliament ignorant what great rejoicing there was in Rome itself, to hear in what a posture his Majesty was, and how well provided of an army and money to begin the business."[1]

There is an entry in Evelyn's *Diary*, under date June 10, 1673, about this Army: "We went after dinner to see the formal and formidable camp on Blackheath, raised to invade Holland, or, as others suspected, for another design."

[1] *Secret History of Charles II. and James II.*, p. 90.

CHAPTER XXIV

CHARLES II. (*concluded*)

Secret Romanists at Court—The Duke of York favours Popery secretly—The Duke dissembles his Religion for many years—The House of Commons and Increase of Popery—Charles professes Zeal for Protestantism—He assumes Arbitrary Power—Parliament passes the Test Act—Two Sham Bills for Defence of Protestantism—The Declaration against Transubstantiation—The Popish Plot.

THE schemes of Charles II. for restoring Popery in England were greatly facilitated through the presence in his Court and in his Government of a number of men who were, like himself, secretly Roman Catholics. Professor Masson calls attention to some of these men, when writing about the events of this period.

"The condition of things in Charles' Court," writes Masson, "from August 1662 onwards, had been peculiarly favourable for the resuscitation in his mind of the idea of exchanging his crypto-Catholicism for an open profession of the Roman Catholic faith. His new Queen had her chapel, her priests, and Confessors; his mother, Queen Henrietta Maria, who had come over again from France, to make the acquaintance of the new Queen, and to try how long she could stay in England, had also brought Roman Catholic priests and servants in her train; the number of avowed Roman Catholics at Court, and the conveniences for Roman Catholic worship there, had been largely increased."

"And so, though conversions among the Protestants of the Court were not yet much heard of, the state of mind which we have called crypto-Catholicism, consisting in a secret inclination to Roman Catholicism and a willingness to go over to it openly if there should ever be sufficient occasion, had come greatly into fashion. There were now many crypto-Catholics at

Court, besides Charles himself. Lady Castlemaine was one; Bennet [afterwards Lord Arlington] was another; Berkeley was another; indeed, the faction that gathered nightly in Lady Castlemaine's apartments, where Clarendon and Southampton disdained to be seen, may be described as the crypto-Catholic faction. There was a meaning, therefore, in the introduction of Bennet into the ministry as Secretary of State instead of Nicholas, and in the promotion of Berkeley in the Household in October 1662. They were signs that the King was strengthening the crypto-Catholic interest, and building it up about him." [1]

Rapin states that, in the year 1671, the Earl of Arlington, Secretary of State, and Clifford, a member of the inner Council of the King, known in history as the "Cabal," were "secretly" Roman Catholics.[2] Of the Duke of York, heir to the Throne, he writes that: "He was a Papist before the King's Restoration, but I cannot find at what time he changed his religion. It was a secret for some time." [3] Some further particulars are supplied by the Jesuit Father F. J. D'Orleans, who, writing of events in the year 1667, says of the Duke of York that: "A jealousy spread abroad of his being a Catholic in his heart, though he still outwardly appeared as a Protestant. . . . That jealousy was well grounded. The Duke was indeed a Catholic, and the memory of his conversion deserves to be preserved in history. . . . These rational reflections opened the Duke of York's eyes; from that time he became a Catholic in his heart, and with this disposition he returned to England at the Restoration. Many weighty reasons at first obliged him to conceal that change from public view; he trusted the King, his brother, with the secret, who commended him, but desired he would so far prevail upon himself as not to let it be known. This held for some time, but could not last always. The Duke, insensibly growing heedless, and keeping a less watch upon himself than he had done, gave others the opportunity to observe him, and conclude that he was not of the religion

[1] Masson's *Life of Milton*, vol. vi. p. 239.
[2] Rapin's *History of England*, vol. xi. p. 363. [3] *Ibid.*, p. 353.

of his country. . . . After such proceedings there was no more pretending to make a secret of that Prince's religion; all his friends could do was to save its being too publicly known. . . . In short, soon after the death of that Princess [his first wife] he abjured his error, which he had not done till then, and returned to the faith of St. Edward, whose Crown he was to wear. . . . Some of the Duke's friends, observing this change, desired him to curb himself; the King, his brother, urged him again, and all men represented to him that, though it was no longer time for him to counterfeit what he was not, yet it was not convenient he should own what he was. He took this advice." [1] I notice that the Jesuit D'Orleans has not one word of censure for the Duke's duplicity. Burnet says that after his reception into the Church of Rome, the Duke of York "continued for many years dissembling his religion, and seemed zealous for the Church of England." [2] Of the Earl of Arlington, Gillow quotes, without censure, the statement of Echard that, in 1659, Arlington (then Sir Henry Bennet) "secretly espoused the Catholic cause, and exerted his influence with considerable effect to induce the King to embrace Catholicity, the year before his Restoration, at Fontarabia." [3] The Jesuit D'Orleans asserts that "Clifford and Arlington were so [*i.e.* Roman Catholics] in private, and both died in the Church of Rome." [4]

The Parliament was by no means an indifferent spectator of the King's designs, though it only knew a part of that which is now public property. From time to time both Houses sent to Charles petitions, asking him to take action against the increase of Popery, and to issue Proclamations banishing Jesuits and priests from the country. In every case he promised to do what he was asked, and from time to time he issued such Proclamations, which, however,

[1] *A History of the Revolutions in England*, by F. J. D'Orleans, S.J., pp. 231–233.

[2] Burnet's *History of His Own Time*, vol. i. p. 289, Oxford edition, 1823.

[3] Gillow's *Bibliographical Dictionary of English Catholics*, vol. i. p. 182.

[4] D'Orleans' *History of the Revolutions in England*, p. 236.

he took care not to enforce, except on very rare occasions. In 1666, the House of Commons appointed a Committee "to receive and certify informations of the insolence of Popish priests and Jesuits, and of the increase of Popery." The Committee examined a large number of witnesses, and then presented their report, whereupon the House presented a Petition to the King requesting that, "considering the present juncture of affairs, all Popish Recusants, and such as, being suspected so to be, shall refuse to take the Oaths of Supremacy and Allegiance, being tendered to them, may be forthwith so disarmed, as to remove all apprehensions from the people, of their possibilities to disturb the public peace of the nation: and that all officers, military and civil, and soldiers, as shall not within twenty days take the Oaths of Allegiance and Supremacy, may be disbanded and displaced." They also requested that "His Majesty be humbly desired to issue out a new Commission, for tendering and administering the Oaths of Allegiance and Supremacy to the members of both Houses."[1] The King issued the Proclamation as requested, but it was not enforced.

Once more, on March 10, 1671, both Houses of Parliament united in sending Charles a lengthy petition "Against the Growth of Popery." No doubt this petition was mainly caused by the Treaty of Dover, and the fear of French influence. It commenced with a reference to "Your Majesty's constancy to the Protestant Religion, both at home and abroad," as to which they must surely have spoken ironically, and then proceeded to enumerate the causes of the growth of Popery. These included the presence in the country of great numbers of Jesuits and priests, and the existence of "several Chapels and places used for saying of Mass, in the great towns, and many other parts of this Kingdom, besides those in Ambassadors' houses, whither great numbers of your Majesty's subjects constantly resort and repair without control." They also mention the erection of Popish schools, the sale of Popish books,

[1] Cobbett's *Parliamentary History*, vol. iv. p. 334.

the remissness of the Magistrates in not convicting Popish Recusants, and also that "the Advowsons of Churches, and presentations to livings" in the Church of England, "are disposed of by Popish Recusants, or by others instructed by them, as they direct, whereby most of those livings and benefices are filled with scandalous and unfit Ministers." They also mention that "the open exercise of Mass in Dublin, and other parts of Ireland, is a further great cause of the present growth of Popery" in that Kingdom. As a remedy for the growth of Popery they recommend the banishment from his Majesty's dominions of all Jesuits and priests, excepting those attending on Ambassadors from foreign Courts; that Judges be ordered to enforce the laws against Popish Recusants; that "no office or employment of public authority, trust, or command, in civil or military affairs, be committed to, or continued in the hands of any person being a Popish Recusant, or justly suspected to be so." In conclusion, the petition requested that Dr. Plunket, titular Primate of Ireland, and Peter Talbot, the Jesuit titular Archbishop of Dublin, should be brought over to England, there "to answer to such matters as shall be objected against them." The King, as usual, in reply, promised to issue the required Proclamation, and to order the Judges to enforce the laws against Papists, but he added these words: "I suppose no man will wonder if I make a difference between those that have newly changed their religion, and those that were bred in that religion, and served my father and me faithfully in the late wars." In the Proclamation itself he hypocritically affirmed that he had "seriously considered, and with much contentment approving the great care of the said Lords and Commons for the preservation of the true religion established; to which, as he hath always adhered against all temptations whatsoever, so he will still employ his utmost care and zeal in the maintenance and defence of it."[1] How insincere the King was in his professions, the report, given

[1] Cobbett's *Parliamentary History*, vol. iv. pp. 477–479.

above, of his secret conference with the Duke of York and others, on January 25, 1669, and the Secret Treaty of Dover, clearly reveals.

With such a Parliament Charles despaired of obtaining its assistance in promoting his plans for making Popery once more triumphant in his Dominions. He, therefore, determined to ignore the law, and dispense with its observance. Claiming a right to a Dispensing Power over the laws, and in furtherance of his schemes for gaining absolute rule, without the help or consent of Parliament, he issued, on March 15, 1672, his well-known Declaration of Indulgence. "We do," he said, "declare our will and pleasure to be, that the execution of all, and all manner of Penal Laws in matters ecclesiastical, against whatsoever sort of Nonconformists or Recusants, be immediately suspended, and they are hereby suspended; and all Judges, Judges of Assize and gaol delivery, Sheriffs, Justices of the Peace, Mayors, Bailiffs, and other officers whatsoever, whether ecclesiastical or civil, are to take notice of it, and pay due obedience thereunto. . . . We do further declare that this our indulgence, as to the allowance of the public places of worship, and approbation of the preachers, shall extend to all sorts of Nonconformists and Recusants, except the Recusants of the Roman Catholic religion, to whom we shall in no wise allow public places of worship, but only indulge them their share in the common exemption from the Penal Laws, and the exercise of their worship in private houses only." [1]

It was not through any love for the Nonconformists that Charles issued this Declaration of Indulgence; but because he hoped that by granting them religious liberty they would support him in abolishing the Penal Laws against the Roman Catholics. As Neal remarks: "The Protestant Nonconformists had no opinion of the Dispensing Power, and were not forward to accept of liberty in this way; they were sensible that the Indulgence was not granted out of love to them, nor would continue any longer than

[1] Neal's *History of the Puritans*, vol. ii. pp. 683, 684, edition 1754.

it would serve the interests of Popery." [1] But it was the claim made by the King of a Dispensing Power over the laws of the land which most of all raised the indignant opposition of Parliament, when it met on February 4, 1673. In his speech from the Throne the King referred to his Declaration of Indulgence, and declared: "I shall take it very ill to receive contradiction in what I have done. And, I will deal plainly with you, I am resolved to stick to my Declaration." [2] But, fortunately, there were men in that Parliament who were not afraid to offend a King. On February 8 there was a special debate on the subject in the House of Commons, in which several members spoke strongly against the Declaration, while others were in its favour. Sir Thomas Meres said he had conferred with books, and learned persons in the law, and found that a general suspension of the Penal Statutes is against law. Mr. Powle said that if the King can dispense with all Penal Laws, he may dispense with all laws. The King by this may change religion as he pleases. If they looked into the nation they would find that nothing ever raised such doubts as this Declaration. Mr. Vaughan affirmed that the Declaration repealed forty Acts of Parliament, which were no way repealable but by the same authority that made them. The Declaration repealed fourteen Statutes of the present King. Eventually, the House of Commons, by 168 to 116, passed the following resolution: "That Penal Statutes, in matters Ecclesiastical, cannot be suspended but by Act of Parliament," and an address on the subject was ordered to be drawn up and presented to the King. In this address the House of Commons said: "We have, with all duty and expedition, taken into our consideration several parts of your Majesty's last speech to us, and withal the Declaration therein mentioned, for indulgence to Dissenters; and we find ourselves bound in duty to inform your Majesty, that Penal Statutes in matters Ecclesiastical

[1] Neal's *History of the Puritans*, vol. ii. p. 684.
[2] Cobbett's *Parliamentary History*, vol. iv. p. 503.

cannot be suspended but by Act of Parliament. We, therefore, do most humbly beseech your Majesty that the said laws may have their free force, until it shall be otherwise provided for by Act of Parliament." [1] The King sent a civil answer to this address; but he refused to give way to its demands. At this time he was badly in want of money to carry on the war with the Dutch, which was very unpopular with Parliament, and as there seemed no other way of getting it, he, by the advice of Louis XIV., at length consented to cancel his Declaration. A modern writer says that when the news was made public, "There had not been such bonfires of joy for a long while as blazed in London that Saturday night." [2]

The Parliament, in its well-founded dread of Popery, now went forward, and passed the celebrated Test Act, 25 Charles II., cap. 2, which received the Royal assent on March 29. Its full title was, "An Act for preventing dangers which may happen from Popish Recusants." It provided that every person holding any office, or place of trust, under the King, should, by a given date, take the Oath of Supremacy, and also the Oath of Allegiance passed in the Reign of James I.; and, further, that every such person shall partake of the Lord's Supper in some Parish Church, on some Sunday before August 1, 1673. These provisions applied to all who should subsequently be appointed to similar offices. In these cases they must partake of the Lord's Supper on some Sunday within three months from their appointment. Those who refused to comply with these requirements should be treated as disabled by law, and their offices adjudged void. Section 9 of the Act was as follows :—

"And be it further enacted by the authority aforesaid, that at the same time when the persons concerned in this Act shall take the aforesaid Oaths of Supremacy and Allegiance, they shall likewise make and subscribe this Declaration following,

[1] Cobbett's *Parliamentary History*, vol. iv. pp. 517–526.
[2] Masson's *Life of Milton*, vol. vi. p. 594.

under the same penalties and forfeitures as by this Act is appointed :—

" 'I, A. B., do declare, that I do believe that there is not any Transubstantiation in the Sacrament of the Lord's Supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever.' "

One of the most noteworthy matters connected with the passing of this Bill through Parliament was the speech in its favour, delivered in the House of Lords, by the Earl of Bristol. He was a Roman Catholic ; but, as he explained, he was " a Catholic of the Church of Rome, not a Catholic of the Court of Rome ; a distinction he thought worthy of memory and reflection whenever any severe proceedings against those they called Papists should come in question, since those of the Court of Rome did only deserve that name." " In this Bill, my Lords," he continued, " notwithstanding all the alarms of the increase of Popery, and designs of Papists, here is no mention of barring them from private and modest exercise of their religion ; no banishing them to such a distance from Court, no putting in execution of Penal Laws in force against them ; all their precautions are reduced to this one intent, natural to all societies of men, of hindering a lesser opposite party from growing too strong for the greater and more considerable one. And in this just way of prevention, is not the moderation of the House of Commons to be admired, that they have restrained it to this sole point, of debarring their adversaries from Offices and Places, and from accessions of wealth by favour of the Sovereign ? And after all, my Lords, how few do these sharp trials and tests of this Act regard ? Only a few such Roman Catholics as would fain hold Offices and Places at the price of hypocrisy, and dissimulation of their true sentiments in religion." [1]

Early in 1677 two Bills were introduced into Parliament which, says Mr. Andrew Marvel, had been " hatched "

[1] Cobbett's *Parliamentary History*, vol. iv. pp. 564–566.

two years before by "a select Cabal of great Ministers."[1] The first of these was entitled, "An Act for securing the Protestant Religion by educating the Children of the Royal Family, and providing for the continuance of the Protestant Clergy." The second Bill was entitled, "An Act for the more effectual Conviction and Prosecution of Popish Recusants." Both Bills were ostensibly in the interests of Protestantism, but in reality in the interests of Popery. The first of these, under the pretence of educating the children of the Crown in the Protestant Religion, permitted the Kings of England to be successively Papists. They were, indeed, required to make a declaration upon Oath, "That they did not believe in Transubstantiation"; but if they refused to take it, no means or penalty was provided to compel them. The Bill, which was denounced as a subtle scheme to enable a Papist to become King, was committed by the House of Commons, and then dropped. The second Bill was passed by the House of Lords, but when it came on in the House of Commons it was severely criticised. Mr. Sacheverell pointed out that it set aside all the laws against Popery, excepting only the Test Act, and any man under it might hold office for three months without taking the Test. It put Protestant Recusants in a worse condition than the Popish Recusants. The Bill was a bare toleration of Popery. Sir Harbottle Grimstone said they might "as soon make a good fan out of a pig's tail, as a good Bill out of this one." After a long debate the House rejected the Bill. But although these Jesuitical Bills failed to pass into law, another and most important Bill was more fortunate. It is entitled, "An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament" (30 Charles II., cap. 1). It fell like a bombshell into the Popish camp, causing therein the utmost consternation. We may be quite sure it was never signed

[1] Marvel's *Growth of Popery*, printed in *State Tracts privately printed in the Reign of King Charles II.*, p. 98.

by the King with a glad heart. It provided that from the 1st of December 1678, no person should vote, or make his proxy, either in the House of Lords, or House of Commons, " or sit there during any debate," until he had taken the Oaths of Allegiance and Supremacy, and also " subscribe and audibly repeat " this Declaration following :—

" I, A. B., do solemnly and sincerely, in the presence of God, profess, testify, and declare that I do believe that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and blood of Christ, at or after the consecration thereof by any person whatsoever ; and that the Invocation or Adoration of the Virgin Mary or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous. And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration and every part thereof in the plain and ordinary sense of the words read unto me, as they are commonly understood by English Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever, and without any dispensation already granted me for this purpose by the Pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or can be acquitted before God or man, or absolved of this declaration or any part thereof, although the Pope or any other person or persons or power whatsoever should dispense with or annul the same, or declare that it was null and void from the beginning."

Should any member of either House of Parliament refuse to take the Oaths mentioned in the Act, or " should do anything contrary " to it, he " shall thenceforth be deemed and adjudged a Popish Recusant convict, and shall forfeit and suffer as a Popish Recusant convict, and shall be disabled to hold or execute any office or place of trust, civil or military, in any of his Majesty's Realms of England or Ireland " ; or " to sue or use any action, bill, plaint, or information in course of law, or to prosecute any suit in any Court of Equity ; or to be guardian of any child, or executor or administrator of any person ; or capable of any legacy

or deed of gift; and shall forfeit for every wilful offence against this Act the sum of £500." The last section of the Act contained an important and unfortunate exception. It enacted that "Nothing in this Act contained shall extend to his Royal Highness the Duke of York." The Declaration imposed by this Act was, by the Act of Settlement, 12 and 13 William III., ordered to be taken by the Sovereigns of these Realms, when they met their first Parliament, or at their Coronation. In 1910 it was removed from the Statute Book, and a much milder Protestant Declaration substituted in its place.

The part which Charles took in the Popish Plot of 1678 brings lasting disgrace on his memory, for he signed the death-warrants of many Roman Catholics, executed for their alleged complicity in that Plot, while all the time he, at least, believed that they were innocent of the charges brought against them by Titus Oates and his fellows. The torrent of Protestant opinion was so strong that he yielded to it merely to save himself from public odium. I need not enter here at any length into particulars concerning this Popish Plot, for I believe those who were at the bottom of it were nothing better than a set of scoundrels, whose words were quite unworthy of credence. It is true there was a very real and dangerous Popish Plot going on at the time, under the guidance of the Jesuits; but this of Titus Oates was quite a different affair.

The testimony of Bishop Burnet, the author of the well-known *History of the Reformation*, as to Oates' Plot, is of great importance. His Protestantism cannot be doubted. The Bishop boasts that he was more capable to give an account of the Plot than any man he knew.[1] He gives a very black character indeed of Titus Oates; of whom he states that: "He was proud and ill-natured, haughty, but ignorant. He conversed much with Socinians, and he had been complained of for some very indecent expressions concerning the mysteries of the Christian religion. He was

[1] Burnet's *History of His Own Time*, vol. ii. p. 144, Oxford edition, 1823.

once presented for perjury. But he got to be a Chaplain in one of the King's ships, from which he was dismissed upon complaint of some unnatural practices, not to be named." [1] "I could have no regard to anything he either said or swore after that." [2] "Indeed, Oates and Bedlow did, by their behaviour, detract more from their own credit than all their enemies could have done. The former talked of all persons with insufferable insolence; and the other was a scandalous libertine in his whole deportment." [3]

The testimony of Evelyn, whose love for the Protestant cause cannot be doubted (and who was present at the trials of several of the alleged plotters), is worthy of consideration. On July 18, 1679, he wrote in his *Diary:* "For my part, I look on Oates as a vain insolent man, puffed up with the favour of the Commons for having discovered something really true, more especially as detecting the dangerous intrigue of Coleman, proved out of his own letters, and of a general design which the Jesuited party of the Papists ever had, and still have, to ruin the Church of England; but that he was trusted with those great secrets he pretended, or had any solid ground for what he accused divers noblemen of, I have many reasons to induce my contrary belief. That among so many Commissions as he affirmed to have delivered to them from P. Oliva [General of the Jesuits] and the Pope, he who made no scruple of opening all other papers, letters, and secrets, should not only not open any of those pretended Commissions, but not so much as take any copy or witness of any one of them, is almost miraculous." Writing again in his *Diary*, on June 18, 1683, Evelyn remarks: "The Popish Plot also, which had hitherto made such a noise, began now sensibly to dwindle, through the folly, knavery, impudence, and giddiness of Oates."

The fact that there are still to be found amongst us some Protestants who believe that every word uttered by

[1] Burnet's *History of His Own Time*, vol. ii. p. 145, Oxford edition, 1823.
[2] *Ibid.*, p. 151.
[3] *Ibid.*, p. 186.

Titus Oates was true and reliable, makes it necessary to give here several extracts from the opinions of men of note, whose Protestantism is unquestioned. I have just cited Burnet and Evelyn. Now let us note what that great modern historian, Ranke, has to say on this subject. He writes: "About the plans that had been formed for the re-establishment of Catholicism in England upon the death of the King, Oates made statements which contradict the actual position of affairs; they are without doubt false. Oates had been from his youth up notorious for the most shameless untruthfulness. He had a passion for startling people, and giving himself importance by boastful and lying exaggerations, which he spiced with invective on every side, and confirmed with wild oaths: he was a small man with a short neck, and a mouth strikingly out of proportion; people were careful not to contradict him, as they were afraid of quarrelling with him. He mixed up what he knew with what he only guessed, or what seemed to him serviceable for his schemes, and he was believed by all. His successful shamelessness stirred up emulators, of whom Bedlow was one. But still it cannot be affirmed that all they alleged was mere invention. 'There was some truth in it,' as Dryden says, 'but mixed with lies.' Moreover, the fact that much of what they said as to matters which no one suspected proved true, led people to accept also the monstrous things they gave out. Coleman's correspondence, which Oates first described and afterwards discovered, especially forwarded this impression." [1]

"Rational men, we suppose," writes Lord Macaulay, in his Essay on Mackintosh's *History of the Revolution*, "are now fully agreed that by far the greater part, if not the whole, of Oates' story was a pure fabrication. It is indeed highly probable that, during his intercourse with the Jesuits, he may have heard much wild talk about the best means of re-establishing the Catholic religion in England, and that from some of the absurd day-dreams of the

[1] Ranke's *History of England*, vol. iv. p. 60.

zealots with whom he was associated he may have taken hints for his narrative. But we do not believe that he was privy to anything which deserved the name of conspiracy. And it is quite certain that, if there be any small portion of truth in his evidence, that portion is so deeply buried in falsehood that no human skill can now effect a separation." [1]

The opinion of another eminent historian I must quote, before I pass on. Hallam terms the Popish Plot "the great national delusion"; but he is careful to add: "It is first to be remembered that there was really and truly a Popish Plot in being, though not that which Titus Oates and his associates pretended to reveal—not merely in the sense of Hume, who, arguing from the general spirit of proselytism in that religion, says there is a perpetual conspiracy against all governments, Protestant, Mahometan, and Pagan, but one alert, enterprising, effective, in direct operation against the established Protestant religion in England. In this Plot the King, the Duke of York, and the King of France were chief conspirators; the Romish priests, and especially the Jesuits, were eager co-operators. Their machinations and their hopes, long suspected, and in a general sense known, were divulged by the seizure and publication of Coleman's letters." [2]

This real Popish Plot, which centred round the name of Edward Coleman, it is now our duty to notice briefly. Coleman was private Secretary to the Duchess of York, who was a Roman Catholic, and, while acting in that capacity, he carried on a treasonable correspondence with French Jesuits, a Papal Nuncio, the Cardinal of Norfolk, and other English Roman Catholics residing on the Continent. He was arrested on the evidence of Titus Oates, who, at his trial, swore that Coleman had formed a plot to murder the King. Now the Jesuits must have known very well that Charles was himself a Roman Catholic, and it certainly was not to their interest to destroy him. As we have seen,

[1] *Lord Macaulay's Works*, vol. vi. p. 106, Edinburgh edition, 1897.

[2] Hallam's *Constitutional History of England*, vol. ii. p. 423, eighth edition.

the evidence of Titus Oates is not to be trusted. When Coleman was arrested there was found in his house his treasonable letters, by means of which this very real plot of his and the Jesuits came out. The letters seized on his premises were shortly after published by authority, in two parts. As a rule they were very obscure, purposely so, no doubt, but this at least may be gathered from their contents. The aid of the French King was sought by the Duke of York, through the instrumentality of Coleman, in order that by destroying the power of the English Parliament, the Duke might be placed in a position of supreme power in England, the King being but a cypher in his hands. It was thought by the conspirators that if the French King would grant to the Duke a sum of £300,000, he, with that money, would be able to induce Charles to do whatever the King of France and the Jesuits wished ; or, as Coleman put it to the Nuncio, in a letter dated October 2, 1674 : " But if the Duke, or any other, could show of a sudden some other way what would effectually help him [Charles II.] to money, he would let himself be governed entirely by him, and in this case the Duke would have all power over him ; " [1] or, as Coleman wrote to the same correspondent on October 23, 1674 : " You agree with me that money is the only means of bringing the King [Charles] into the Duke's interest, and of disengaging him from the Parliament, and you must also agree with me that nothing can more promote the interest of the Catholic party, which is the principal object of the Duke's care and affection. . . . I am certain money could not fail of persuading him [Charles] to it, for there is nothing it cannot make him do." [2] If Louis XIV. would only help the Duke, the Duke promised to be for ever devoted to the French interests. What the Duke aimed at he had made known, a few years previously, to Colbert, the French Ambassador at the English Court, in a private interview, in which (so Colbert wrote to Louis XIV.)

[1] *Collection of Letters Relating to the Horrid Popish Plot*, part ii. p. 5.
[2] *Ibid.*, part i. pp. 12, 13.

he said "that affairs are at present here in such a situation as to make him believe that a King and a Parliament can exist no longer together. That nothing should be any longer thought of than to make war upon [Protestant] Holland, as the only means left without having recourse to Parliament, to which they ought no longer to have recourse till the war and the Catholic faith had come to an happy issue, and when they should be in a condition *to obtain by force*, what they could not obtain by mildness." [1] Of all the letters found in Coleman's house, none caused greater excitement and indignation than one addressed by him to Father le Chase, the French King's Jesuit Confessor. "We have here," wrote Coleman, "a mighty work upon our hands, no less than the conversion of three Kingdoms, and by that, perhaps, the subduing of a pestilent heresy, which has domineered over great part of this northern world a long time. There were never such hopes of success since the death of Queen Mary, as now in our days; when God has given us a Prince who is become (may I say, a miracle) zealous of being the author and instrument of so glorious a work. But the opposition we are sure to meet with, is also like to be great; so that it imports us to get all the aid and assistance we can, for 'the Harvest is great, and the Labourers but few.'" [2]

Coleman was put upon his trial for High Treason, for having conspired the death of the King, and holding a treasonable correspondence having for its object the destruction of the Protestant religion by political weapons. Coleman admitted the correspondence, but denied that he had ever plotted the murder of the King. The evidence against him for plotting the King's death was that of Oates and Bedlow only, which ought never to have been accepted. He was condemned to death, and suffered the last penalty, proclaiming his innocence of the chief crime. But that he was guilty of High Treason for holding the correspond-

[1] Dalrymple's *Memoirs of Great Britain*, vol. ii., Appendix, p. 80.
[2] *Collection of Letters Relating to the Horrid Popish Plot*, part i. p. 118.

ence there can be no doubt whatever, and the punishment of that crime was then, and still is, that of death. It cannot be truthfully pleaded that he was a martyr to the Roman Catholic faith, since although he was accused of an attempt to destroy the Protestant religion in England, yet it was to be done by foreign money and by brute force. Were any one now charged with this offence, he would be severely punished, not for trying to overthrow Protestantism, but for trying to do it *by unlawful means*. Coleman and his fellow-conspirators were really laying dangerous plans for making war on Parliament and the liberties of the people, and for this he deserved to die. Of course the Jesuits ever since have held him in high esteem ; and it is remarkable that Leo XIII. has raised him to the ranks of the "Venerable," as a preliminary to his eventual canonisation ! This modern glorification of a traitor by the Papacy, shows that it still retains its old position, honouring most those whose lack of loyalty to a Protestant Government is most conspicuous.

CHAPTER XXV

JAMES II.

His Reign an Object-lesson for Protestants—He promises to Preserve the Church of England—Alterations in his Coronation Service—Secretly Crowned by a Popish Priest—Corrupt Means used at the first General Election—Popish Prisoners discharged from Prison—"The Bloody Assizes"—James and the Exiled Huguenots—His Duplicity—He suppresses a Protestant Pamphlet—He forms a Secret Council of Papists—The Clergy preach against Popery—Dr. Sharp persecuted for preaching against Romanism—Bishop Compton and Sharp suspended illegally—James renews Diplomatic Relations with Rome—Protestant Faithfulness of the Duke of Somerset—James says that he is "above the Law"—He publicly kneels before the Papal Nuncio—He seeks to Corrupt the Courts of Law—A Judge is a Disguised Romanist—Protestants dismissed from Office to make Room for Papists—James fills the Army and Navy with Papist Officers and Men—Samuel Johnson's Spirited Protestant Address to Soldiers and Sailors—He is Imprisoned and Publicly Whipped—Extraordinary Letter from a Jesuit about the King—The King's Illegal Attitude towards the Universities—The Master of University College, Oxford, for a long while a Concealed Papist—A Concealed Papist appointed Dean of Christ Church, Oxford—James issues two Declarations of Indulgence—His claims to be a Friend of Religious Liberty criticised by Macaulay—Robert Parsons, S.J.'s, *Memorial for the Reformation of England*—The Principles of this Book and James' Policy identical—Contains the Jesuit's Plan for ruling England under a Popish Sovereign—Its Religious Intolerance and Persecuting Spirit exposed—The Policy of the Book approved by the modern English Jesuits—Another remarkable Jesuit Book which influenced James' Policy—The Jesuit, Petrie, appointed Privy Councillor—The King's Declaration of Indulgence Ordered to be read in all Churches—Bishops and Clergy refuse to read it—They plead that the Declaration is Illegal—The Seven Bishops sent to the Tower—They are supported by the Nonconformist Ministers—The Bishops are Tried and Acquitted—Great Rejoicings—Landing of William, Prince of Orange—Flight of James II.—What might have happened had James continued King much longer.

THE Reign of James II. is an object-lesson, teaching us (to quote the Bill of Rights) that: "It hath been found by experience that it is inconsistent with the safety and

welfare of this Protestant Kingdom to be governed by a Popish Prince, or by any King or Queen marrying a Papist." When James succeeded to the Throne, on February 6, 1685, he was an avowed Roman Catholic. His wife also was of the same religion. Yet, with the inconsistency which characterised his Reign, on the day of his accession he said to his Privy Council: "I shall make it my endeavour to preserve this Government, both in Church and State, as it is now by law established. I know the principles of the Church of England are for Monarchy, and the members of it have shown themselves good and loyal subjects; therefore I shall always take care to defend and support it."[1] He repeated this promise in his speech at the opening of Parliament, on May 22, adding these words: "Having given you this assurance concerning the care I will have of your religion and property, which I have chose to do in the same words which I used at my first coming to the Crown; the better to evidence to you, that I spoke then not by chance, and consequently that you may firmly rely upon a promise so solemnly made."[2] And Parliament relied on the word and solemn promise of the King, and, on May 27, passed a resolution: "That this House doth acquiesce, entirely rely, and rest wholly satisfied in his Majesty's gracious word, and repeated Declaration, to support and defend the religion of the Church of England." They had soon reason to regret their misplaced confidence. James not only failed to keep his solemn promises, but from the first he never intended to keep them. The great ambition of his Reign was to destroy the Church of England, and to erect the Church of Rome on its ruins. In order that he might gain his real object, duplicity was necessary. On April 23, the King and Queen were crowned by the Archbishop of Canterbury, according to the Protestant rite. Rapin mentions, however, that some authors assert that several material things were struck out of the

[1] Cobbett's *Parliamentary History*, vol. iv. p. 1342.
[2] *Ibid.*, p. 1353.

Coronation Oath, though he does not mention what they were; but Macaulay positively asserts that changes were made in the service, the real object in making them being "to remove some things highly offensive to the religious feelings of a zealous Roman Catholic. The Communion Service was not read. The ceremony of presenting the Sovereign with a richly bound copy of the English Bible, and of exhorting him to prize above all earthly treasures a volume which he had been taught to regard as adulterated with false doctrine, was omitted. What remained, however, after all this curtailment, might well have raised scruples in the mind of a man who sincerely believed the Church of England to be a heretical society, within the pale of which salvation was not to be found. The King made an oblation on the altar. He appeared to join in the petitions of the Litany, which was chanted by the Bishops. He received from those false prophets the unction typical of a Divine influence, and knelt with the semblance of devotion, while they called down upon him that Holy Spirit of which they were, in his estimation, the malignant and obdurate foes." [1] A modern Roman Catholic writer tells us that: "James and his Queen were first anointed and crowned privately by Fr. Manhet (Mansuetus, his Confessor) with the same holy oil of Rheims that the Kings of France used, Louis XIV. having sent some over at the King's request." [2]

That the King should use his influence in favour of the Roman Catholic religion was but natural, and if he had confined his efforts to persuasion no one could reasonably object. Where he went wrong was in using unlawful, and frequently dishonourable, means to accomplish his purpose. I have not, of course, to record the passing of any new penal laws during his reign in England; but I have to describe his efforts to secure their abolition by discreditable

[1] Macaulay's *History of England*, vol. i. pp. 369, 370, edition 1896.

[2] *History of the Jesuits in England*, by the Rev. E. L. Taunton, p. 444, *note*.

and lawless methods. At first he hoped to get the penal laws against Romanists repealed through the instrumentality of Parliament. He took great pains to secure, at the elections for his first Parliament, the election of as many as possible of those likely to agree with his plans. Burnet says that all arts were used for this purpose, and that complaints came from all parts of England of the injustice and violence used at the elections, beyond what had ever been practised in former times. The Boroughs saw their privileges wrested out of their hands, and their elections were hereafter to be made as the Court should direct. The result of these dishonourable tactics was that the King was able to boast that in the new Parliament there were not above forty members but such as he wished to see there. But the people declared that such a Parliament was not the choice of the nation, or its representative, and that, therefore, it was no Parliament at all.[1] The King soon found that even such a Parliament would not grant all he wanted. He wished them to agree to his illegal action in appointing Popish officers in the Army, who had not taken the Tests required by law; but they, in an address to his Majesty, plainly told him that "Those officers cannot by law be capable of their employments; and that the incapacities they bring upon themselves thereby, can no way be taken off but by an Act of Parliament."[2] The King, in anger, dissolved Parliament, and never called another. All of its members who had defended the Tests were turned out of the offices they held.

On April 18, 1685, orders were issued, signed by the Earl of Sunderland, Secretary of State, for the discharge of all persons who were in prison for refusing the Oaths of Allegiance and Supremacy, and it was commanded that no future proceedings should be taken against such persons, until the Royal pleasure had been signified. Lingard states that, under this order, "The Dissenters enjoyed a

[1] Burnet's *History of His Own Time*, vol. iii. pp. 15–17.
[2] Cobbett's *Parliamentary History*, vol. iv. p. 1378.

respite from the persecution which they suffered under the Conventicle Act; and Catholics to the amount of some thousands, Quakers to the amount of twelve hundred, were liberated from confinement." [1] The Dissenters, apart from the Quakers, however, do not seem to have benefited by this order. Macaulay says: "I have not been able to find any proof that any person, not a Roman Catholic or a Quaker, regained his freedom under these orders." [2]

The Rebellion of the Duke of Monmouth gave James an excuse for persecuting the Dissenters. He chose the infamous Judge Jeffreys as his instrument, and sent him down to the West of England to try the persons accused of participating in the Rebellion. A modern writer remarks: "It is difficult to say whether greater horror was excited by the vindictive denunciations of the Judge, or by the severity of the sentences which he imposed. Both have combined to give to the circuit the name of 'The Bloody Assizes,' by which it will always be known. More than 300 persons were put to death, and more than 800 were sold to slavery in the West Indian plantations. That James regarded this severity with approval at the time is proved by the tone of his letters to William of Orange, in which he complacently speaks of Jeffreys as 'making his campaign in the West,' and by the grant of the Great Seal, recently vacated by the death of Lord Keeper Guilford, as a reward to the vindictive judge." [3] Burnet says that 600 were hanged by Jeffreys.

At first sight it seems inconsistent with the King's views that for a time he showed some favour to the exiled Huguenots, who flocked to England on the Revocation of the Edict of Nantes. He had, however, no real sympathy with the Protestant refugees, who had fled from the most fearful persecution that ever stained the pages of French history.

[1] Lingard's *History of England*, vol. xiii. p. 9.

[2] Macaulay's *History of England*, vol. i. p. 396, *note*.

[3] *The Political History of England*, by Richard Lodge, M.A., LL.D., vol. viii. p. 251.

As news came to England, week by week, of the sufferings of the Huguenots who had not been able to escape, James had special interviews with Barrillon, the French Ambassador, and listened with avidity to the reports of the persecutions which he gave him.[1] Ranke says that: "We know that James II. approved at bottom of the proceedings of Louis XIV." in revoking the Edict of Nantes; "in support of which Barrillon placed in his hands the most effective of the pamphlets written in its defence—that of Durand."[2] But the tide of sympathy for the exiled Huguenots was so strong in England that, as a matter of policy, the King, on March 5, 1686, signed a proclamation ordering a collection on their behalf to be made in all the Churches in England and Wales. Lord Acton says that James "urged Louis, secretly, to pursue the work of the Revocation, and was reluctant to allow collections to be made for the Huguenot fugitives."[3] In order to protect his brother persecutor, the King of France, and the Church of Rome, from the odium which had come upon them, James commanded the Archbishop of Canterbury to inform the clergy that when they read to their congregations the proclamation ordering the collection, they must not presume to preach on the sufferings of the French Protestants. He supplemented this order by commanding that none of the refugees should receive a crust of bread, or a basket of coals, who did not first take the Sacrament according to the Anglican ritual.[4] He would not allow the Test Act to be put in force against the Popish officers he had placed in the Army; but he had no hesitation in imposing a Test on the unfortunate Protestant refugees, who were all Calvinists, members of a Church which did not recognise Episcopal Orders; and this, in order that as few of them as possible might benefit by the collection. He sent word to

[1] Baird's *Huguenots and the Revocation of the Edict of Nantes*, vol. ii. pp. 93, 94.

[2] Ranke's *History of England*, vol. iv. p. 282.

[3] Acton's *Lectures on Modern History*, p. 221.

[4] Macaulay's *History of England*, vol. i. p. 583.

his Privy Council that if the refugees wished to be relieved out of the vast sums which had been collected for them, they must become members of the Church of England. At about this time there was published in London a translation from the French of a pamphlet written by Jean Claude, an eminent French Protestant Minister, entitled, *An Account of the Persecutions and Oppressions of the Protestants in France*, caused by the Revocation of the Edict of Nantes. Its publication made James very angry, for he did not want the truth to be known in his dominions; so he ordered its suppression, and commanded that it should be burnt by the common hangman. This was accordingly done, and every effort was made to suppress the pamphlet, which consequently became very scarce. It was republished in 1908, by Professor Edward Arber, in a volume entitled, *The Torments of Protestant Slaves*.

Father Flanagan states that, in 1686, the King formed a "*Private Council*," composed of four Roman Catholic Peers, the Lords Bellasis, Powis, Arundel, and Dover, and the Jesuit, Father E. Petrie, "and to this private Council entrusted the accomplishment of his plan of toleration." [1] This was not the Privy Council, which Petrie did not join until late in the following year. By the commencement of 1686 the nation had become seriously alarmed at the progress of Popery since the King's accession, and not without reason. The outlook of Protestantism at the time was very dark. Political weapons, for the time being, seemed to them useless, and therefore the clergy adopted a policy characterised by considerable wisdom. They determined to preach sermons and write books against Popery. A large number of these sermons and books were published. An interesting catalogue of all these Protestant publications, together with a list of Roman Catholic replies, may be seen in the *Chetham Popery Tracts*, in two volumes, issued by the Chetham Society. Burnet says that these Protestant works "had a mighty effect on the

[1] Flanagan's *History of the Church in England*, vol. ii. p. 353.

whole nation"; and Mackintosh asserts that "the controversial sermons against the opinions of the Church of Rome, which then abounded, proved in effect the most formidable obstacle to the progress of her ambition." We have in this fact a lesson for the clergy of the twentieth century. One of the first to preach controversial sermons against Popery was the Rev. Dr. John Sharp, Rector of St. Giles', London, and subsequently (1691 to 1714) Archbishop of York. Sharp's sermon gave offence to the King, not because of anything political in it, but because it gave reasons why Protestants should not join the Church of Rome. Thereupon his Majesty sent orders to Dr. Compton, Bishop of London, to suspend Sharp, and inquire as to the justice of the charges which might be brought against him afterwards. But that was not in accordance with the Bishop's idea of justice. So he respectfully told the King that no man could be lawfully condemned until he had been heard in self-defence. If, however, an accusation were brought against Sharp in his Court in the ordinary way, he would promise that justice should be done in accordance with ecclesiastical law. Meanwhile he requested Sharp to abstain from officiating until the case had been settled. But this did not satisfy the King, who simply wanted to gag all Protestant preaching against Popery, as would assuredly have been the case if he had succeeded in the present instance. So both the Bishop and Sharp were summoned before the High Commission, over which the infamous Lord Jeffreys presided, where, although several of the Commissioners were inclined to let him off, the Lord Chancellor succeeded in obtaining a sentence of suspension, during the King's pleasure, against both of the defendants.[1] Burnet states that this Court of High Commission was "contrary to law"; and that there "was not so much as a colour of law to support the sentence."[2]

[1] Campbell's *Lives of the Lord Chancellors*, vol. iii. p. 564.
[2] Burnet's *History of His Own Time*, vol. iii. pp. 98–106.

It seemed as though James was determined to do everything likely to annoy and anger his Protestant subjects. Englishmen, even in pre-Reformation times, ever watched diplomatic relations with Rome with a jealous and anxious eye; nor had that feeling died out when James II. came to the Throne. Early in 1686 it was once more aroused by the appointment of the Earl of Castlemaine as Ambassador to the Pope, and greatly increased the following year by the public reception given to a Papal Nuncio in England. Castlemaine's instructions bound him, on his arrival in Rome, to seek the advice of the General of the Jesuits, and this fact told against the success of his Mission to the Pope, Innocent XI., who was an enemy of the Jesuit Order. And Castlemaine's arrogant conduct while in Rome tended to defeat one object of his Mission, which was to secure a Cardinal's hat for the Jesuit Petrie, who was high in favour with the King. In short, his Mission was a complete failure. On October 26, 1689, he was impeached by the House of Commons for having gone as Ambassador to Rome, and with having taken his seat as a Privy Councillor without taking the Tests, "which are great crimes, and against law." The Earl appeared at the bar of the House, and delivered a lengthy speech in his defence [which is reported in the fourth volume of the *State Trials*, second edition], after which the House made an order committing him to the Tower for High Treason, and "for endeavouring to reconcile this Kingdom to the See of Rome." There he remained until the 10th of February following, when he was released on bail for £30,000.

The Papal Nuncio to England was Ferdinand, Count of Adda. He had been in England privately since November 1685, as Papal plenipotentiary, but without any expectation of being recognised as Nuncio. Ranke says that: "Among the anti-Catholic laws which James II. wished to repeal, was one forbidding Diplomatic Relations with Rome. That seemed to become quite absurd when the King belonged to the Catholic Church. James thought

he might at once show disregard for it." [1] And Burnet asserts that "all commerce with the See of Rome" was "declared High Treason by law." [2] Early in 1687, the King decided to receive Adda as Papal Nuncio, with the public ceremonial usual at the French Court on similar occasions. According to that practice, the Chamberlain of highest rank who bore the title of Duke, was to introduce the Nuncio to the King. At that time this position in England was held by Charles, Duke of Somerset, of the old Protestant house of the Seymours. James sent for him, and what then took place is thus described by Macaulay :—

"'I thought, my Lord,' said James, 'that I was doing you a great honour in appointing you to escort the Minister of the first of all crowned heads.' 'Sir,' said the Duke, 'I am advised that I cannot obey your Majesty without breaking the law.' 'I will make you fear me as well as the law,' answered the King insolently. '*Do you not know that I am above the law?*' 'Your Majesty may be above the law,' replied Somerset, 'but I am not; and, while I obey the law, I fear nothing.' The King turned away in high displeasure; and Somerset was instantly dismissed from his posts in the Household and in the Army." [3]

Before the public reception of Adda could take place, it was thought necessary that he should be raised to the rank of an Archbishop. James insisted that the ceremony of consecration should take place in the Chapel of St. James' Palace. After it was over, "In the evening, Adda, wearing the robes of his new office, joined the circle in the Queen's apartments. James fell on his knees in the presence of the whole Court, and implored a blessing. In spite of the restraint imposed by etiquette, the astonishment and disgust of the bystanders could not be concealed. It was long indeed since an English Sovereign had knelt to mortal

[1] Ranke's *History of England*, vol. iv. p. 330.
[2] Burnet's *History of His Own Time*, vol. iii. p. 177.
[3] Macaulay's *History of England*, vol. ii. p. 88.

man; and those who saw the strange sight could not but think of that day of shame when John did homage for his Crown between the hands of Pandulph." [1]

The young Duke of Somerset's answer to James was a noble one, of which his Ducal family may even yet be proud. But in the King's question, "Do you not know that I am above law?" we find the unfortunate principle which guided him throughout his Reign, and at length led to his downfall. To dismiss those, like the Duke, who refused to bow to his autocratic will, was a common practice with James. He wished to obtain from the Courts of Law a decision in favour of the Dispensing Power. But how was he to obtain it? Macaulay says that: "It would have been difficult to find in all the Inns of Court a barrister of reputation to argue in defence of a prerogative which the Sovereign, seated on his Throne in full Parliament, had solemnly renounced a few years before." [2] But what could not be obtained by fair means might be gained by foul. How this was done is revealed by Burnet, who tells us that: "Sir Edward Hales, a gentleman of a noble family, declared himself a Papist, *though he had long disguised it; and had once to myself so solemnly denied it*, that I was led from thence to see there was no credit to be given to that sort of men, where their Church or religion was concerned. He had an employment; and, not taking the Test, his coachman was set up to inform against him, and to claim the £500 that the law gave to the informer. When this was to be brought to trial, the Judges were secretly asked their opinions: *and such as were not clear to judge as the Court did direct were turned out*, and, upon two or three canvassings, *the half of them were dismissed*, and others of more pliable and obedient understandings were put in their places." [3] In this way the fountains of justice were polluted by the King. Lord Campbell terms it "a

[1] Macaulay's *History of England*, vol. ii. p. 87.
[2] *Ibid.*, vol. i. p. 584.
[3] Burnet's *History of His Own Time*, vol. iii. p. 91.

fictitious action," supported by "a sham argument by Counsel." [1]

Laurence Hyde, Earl of Rochester, who held the office of Lord High Treasurer, had gone with the King in several of his political schemes; but he refused to do anything to the injury of the Protestant religion, or to assist in aiding the Roman Catholic faith. After James had made use of him for some years, he plainly told him that he must either become a Roman Catholic or lose his high office. He refused to secede to Rome, and was consequently dismissed. The Treasury was thereupon put in commission, and several Popish Lords were put into it. This was followed up by secret interviews between the King and those members of Parliament who held military or household offices, and with other men of influence, with a view to inducing them to agree to his plans for the removal of the Tests and Penal Laws against the Romanists. One of these was John Moore, then Lord Mayor of London. He plainly told the King that he had been informed that his Majesty wished to introduce Popery, and he refused to lend a hand to such work. Moore was thereupon removed from his place, and so was Peter Rich, Chamberlain of London, for the same reason. Similar action was taken in all branches of the public service. The Treasurer and the Controller of the Royal Household were also dismissed. So also was Arthur Herbert, Rear-Admiral of England and Master of the Robes. So was Henry Hyde, Earl of Clarendon, Lord-Lieutenant of Ireland. The Earl was not sufficiently compliant, and therefore was dismissed, and the Popish Earl of Tyrconnel, known in history as "lying Dick Talbot," was sent over to take his place. "This rigour," says Ranke, "extended even to the military service. Both Lord Shrewsbury, who, under these circumstances, had taken a step contrary to that expected, and had passed over to Protestantism, and Lord Lumley, lost their places as Colonels in the Cavalry; even subaltern officers who should declare against the King's purposes were threatened

[1] Campbell's *Lives of the Lord Chancellors*, vol. iii. p. 562.

with dismissal from the service."[1] In most cases the places wrested from Protestants were given to Romanists, or to accommodating Protestants. "The fall of the Hydes," says Macaulay, "had excited throughout England extreme alarm and indignation. Men felt that the question now was, not whether Protestantism should be dominant, but whether it should be tolerated. The Treasurer had been succeeded by a Board, over which a Papist was the head. The Privy Seal had been entrusted to a Papist. The Lord-Lieutenant of Ireland had been succeeded by a man who had absolutely no claim to high place, except that he was a Papist. . . . This, then, was the real meaning of his Majesty's respect for the rights of conscience. He wished his Parliament to remove all the disabilities which had been imposed on Papists, merely in order that he might himself impose disabilities equally galling on Protestants. It was plain that, under such a Prince, apostasy was the only road to greatness. It was a road, however, which very few ventured to take. For the spirit of the nation was thoroughly roused; and every renegade had to endure such an amount of public scorn and detestation as cannot be altogether unfelt even by the most callous natures." [2]

It was no doubt indignation like this which moved the Rev. Samuel Johnson, when he heard that the King had placed a large army on Hounslow Heath, and filled it, so far as in him lay, with Popish officers, to write two pamphlets, which were widely circulated amongst the soldiers and sailors. We can hardly wonder at the fierce anger they aroused in the mind of the King. But Johnson evidently understood what the King was aiming at, when, addressing the soldiers, in his *Humble and Hearty Address to all the English Protestants in the Present Army*, he asked them :—

"Is it in the name of God, and for His service, that you have joined yourselves with Papists; who will indeed fight for the Mass Book, but burn the Bible; and who seek to extirpate

[1] Ranke's *History of England*, vol. iv. p. 311.
[2] Macaulay's *History of England*, vol. ii. p. 27.

the Protestant religion with your swords, because they cannot do it with their own ? And will you be aiding and assisting to set up Mass Houses, to erect that Popish Kingdom of darkness and desolation amongst us, and to train up all our children in Popery ? How can you do these things, and yet call yourselves Protestants ?

" And then, what service can be done your country, by being under the command of French and Irish Papists, and by bringing the nation under a foreign yoke ? Will you help them to make forcible entry into the houses of your countrymen, under the name of ' Quartering,' directly contrary to *Magna Charta* and the Petition of Right ? Will you be aiding and assisting to all the murders and outrages which they shall commit by their void commissions ? which were declared illegal, and sufficiently blasted by both Houses of Parliament (if there had been any need of it), for it was very well known before that a Papist cannot have a commission, but by the law is utterly disabled and disarmed. Will you exchange your birthright of English laws and liberties for martial, or club law ; and help to destroy all others, only to be eaten last yourselves ? If I know you well, as you are Englishmen, you hate and scorn these things. And, therefore, be not unequally yoked with idolatrous and bloody Papists : ' Be valiant for the truth, and show yourselves men.'

" The same considerations are likewise humbly offered to all the English seamen, who have been the bulwark of this nation against Popery and slavery, ever since Eighty-Eight." [1]

For issuing these pamphlets Johnson was tried, for high misdemeanours, in the King's Bench, Westminster, and, being found guilty, he was sentenced to pay 500 Marks to the King, and to lie in prison until it was paid. He was further sentenced to stand three times in the pillory —once in the Palace Yard, Westminster, once at Charing Cross, and once at the Royal Exchange—and to be whipped by the common hangman from Newgate to Tyburn. This cruel sentence was carried out, the hangman giving him no fewer than 317 lashes, with a whip of nine cords knotted. The first Parliament after the Revolution passed a resolution to the effect that the judgment passed on Mr. Johnson was cruel and illegal.[2]

We gain a glimpse of what was going on underneath

[1] *State Trials*, vol. vii. p. 645. [2] *Ibid.*, p. 647.

the surface at this time, in a letter written by a Jesuit at Liege, and addressed to a Jesuit at Friburg. The *Month*, the official organ of the English Jesuits, terms it a document "of great interest and value," and states that it was "published in Echard's *History of England*." [1] The following is a portion of this document, as found in that work. It is dated February 2, 1687 :—

"I do not doubt but you have heard that the King, writing to Father de la Chase, the French King's Confessor, concerning the affairs of the House among the Walloons, declared that whatsoever was done to the English Fathers of that House, he would look upon as done to himself. Father Clare, Rector of the same House, being arrived at London to treat of that matter, got an easy access to the King, and as easily gained his point. The King himself forbid him to kneel and kiss his hand, according to custom, saying, 'Reverend Father, you have indeed once kissed my hand; but if I had known then, as I do now, that you were a priest, I would rather myself, Father, have kneeled down and kissed your hand.' After he had finished his business, in a familiar conversation his Majesty told this Father, 'That he would either convert England, or die a Martyr; and he had rather die the next day and convert it, than reign twenty years piously and happily, and not effect it.' *Finally, he called himself 'a Son of the Society*, of whose good success,' he said, 'he was as glad as of his own.' And it can scarcely be expressed how much gratitude he showed, when it was told him, '*That he was made partaker,*' by the most Reverend, our Provincial, '*of all the merits of the Society.*' . . .

"He (the King) has Catholic Lord-Lieutenants in most Counties, and we shall shortly have Catholic Justices of the Peace in almost all places. We hope also that our affairs will have good success at Oxford. In the public Chapel of the Vice-Chancellor, who is a Catholic, there is always one of our Divines, who has converted some of the students to the Faith. The Bishop of Oxford himself seems to be a great favourer of the Catholic Faith. He proposed to the Council, 'Whether it did not seem expedient that at least one College should be granted to the Catholics at Oxford, that they might not be forced to study beyond sea at such great expenses'; but it is not known what answer he had. The same Bishop, having invited two of our Brethren, together with some of the nobility, drank the

[1] The *Month*, September 1879, p. 67.

King's health to a certain heretic Lord who was in company, 'Wishing his Majesty success in *all* his undertakings'; adding also, 'That the religion of Protestants in England did not seem to him in a better condition than Buda was before it was taken; and that they were next to Atheists that defended that Faith.'" [1]

The King caused great indignation by his attitude towards Oxford and Cambridge Universities. He was anxious to promote the cause of Popery in those seats of learning, and adopted dishonourable and lawless means to gain his object. He began with Cambridge University, sending to it an order to admit Alban Placid Francis, a Benedictine Monk, to the degree of Master of Arts. The Vice-Chancellor of Cambridge University replied that it was required by several Acts of Parliament that, before receiving that degree, the candidate must take the Oath of Supremacy, and another oath of a similar character called the Oath of Obedience. Francis had been invited to take those oaths, and had refused, and consequently the University could not legally admit him. The result of this refusal was that the Vice-Chancellor was illegally deprived of his office. James next tried his hand on Oxford University. Early in 1687, the President of Magdalene College died. Thereupon the King sent a Royal mandate to the Fellows, ordering them to elect Anthony Farmer, a pervert to Popery and of a dissolute character, as their President. The Fellows replied that they could not do so without violating their oaths, one of which was that they should nominate no one as President but a Fellow of their own College, or a Fellow of New College, Oxford. Mr. Farmer had never been a Fellow of either of those Colleges, and therefore "they could not comply with his Majesty's letter, without the violation of their oaths, and hazard of their legal interest and property." Lastly, they informed the King that they had elected as President the Rev. John Hough, B.D., one of their Fellows, "a person every way qualified to be President, who has been since

[1] Echard's *History of England*, vol. ii. pp. 1082, 1083.

confirmed by the Bishop of Winton, their Visitor, as the statutes of the said College direct." [1] The King, finding he could not bully the Fellows into an illegal act, sent down a mandate, ordering them to elect the accommodating Dr. Parker, Bishop of Oxford, as President, and dispensing with all statutes to the contrary. This was the Bishop named in the Jesuit's letter cited above (page 435). They replied that they had elected Mr. Hough, "and it does not lie in our power to admit any other." [2] The result of this action is thus described by Burnet: "The new President was turned out. And, because he would not deliver the keys of his house, the doors were broken open; and Parker was put in possession. The Fellows were required to make their submission, to ask pardon for what was past, and to accept of the Bishop for their President. They still pleaded their oath; and were all turned out, except two that submitted. So that it was expected to see that House soon stocked with Papists. The nation, as well as the University, looked on all this proceeding with a just indignation. It was thought an open piece of robbery and burglary, when men, authorised by no legal commission, came and forcibly turned men out of their possession and freehold. This agreed ill with the professions that the King was still making, that he would maintain the Church of England as by law established; for this struck at the whole estate, and all the temporalities of the Church." [3] This was followed by the illegal admission of two Roman Catholics as Fellows of Magdalene College. When Parker died, in February 1688, the King made Bonaventura Giffard, Popish Vicar Apostolic, President of the College. Under his Presidency, Magdalene College was transformed into a Roman Catholic Seminary.[4]

Obadiah Walker, in the year 1676, was appointed Master of University College, Oxford. In 1678, he had been

[1] Wellwood's *Memoirs*, pp. 388–392. [2] *Ibid.*, p. 394.
[3] Burnet's *History of His Own Time*, vol. iii. pp. 147–150.
[4] *The Political History of England*, vol. viii. p. 271.

publicly accused in Parliament—and I cannot find that the charge was denied—of having given assistance towards a scheme for training up youths in Roman Catholic principles; and with having shown Papistical leanings in the notes he wrote to a *Life of King Alfred;* and that he had caused to be printed in Oxford certain books favouring Popery. Mackintosh thus refers to him: "Obadiah Walker, Master of University College in Oxford, a man of no small note for ability and learning, *and long a concealed Catholic*, now obtained for himself, and two of his Fellows, a dispensation from all those acts of participation in the Protestant worship which the laws since the Reformation required from them, together with a licence for the publication of books of Catholic theology. He established a printing-press and a Catholic Chapel in his College, which was henceforth regarded as having fallen into the hands of the Catholics."[1] Dodd says that: "On the 5th of January 1685 (6), King James II. having been scarce a year on the Throne, Mr. Walker repaired on a sudden to London, purposely, as it was supposed at Oxon, to be persuaded by the Cabal at Somerset House (who had sent for him) to declare openly *what had been in his mind many years before:* and, returning to his College, about the latter end of the said month, he kept up close in his lodgings, *and did not frequent the College Chapel, as formerly he did.* About the beginning of March following, when he understood that the report was current that he was a Roman Catholic, and that it was put in the French *Gazette, he declared* to many of his friends and acquaintances that resorted to him, *that he really was so.*"[2] On the same authority we are informed that, after the Revolution, in 1689, Walker was brought to the bar of the House of Commons, when he gave some very shuffling answers to the charges brought against him.

The King further increased the indignation felt in the

[1] Mackintosh's *History of the Revolution*, vol. i. p. 288, Paris edition, 1834.
[2] Dodd's *Church History*, vol. iii. p. 455, edition 1742.

University of Oxford, and throughout the country, by illegally appointing, in December 1686, John Massey, a Popish priest, as Dean of Christ Church, Oxford. James gave him a dispensation from the usual oaths, and from attendance at Protestant worship. "*Thereupon*," says Gillow, "he renounced Protestantism, and publicly declared himself a Catholic, though he occasionally took his seat in the meetings of the Chapter, and also qualified as a Justice of the Peace for the County of Oxford. Afterwards he opened a Chapel within the precincts of Christ Church for the use of Catholics." [1] Mackintosh says that Massey actually "presided at the election of a Bishop of Oxford near two years afterwards." [2] The double-dealing of Massey is further revealed by Dodd, who writes that: "In the beginning of King James II.'s Reign, he (Massey) discovered himself to be a Catholic; *having several years entertained some thoughts that way*, by the instructions he received under his old master, Obadiah Walker." [3] James also granted a sum of £1000 per annum to each of four Vicars Apostolic, who had been appointed by the Pope to Episcopal powers in England, and this money, says Father Berington, was "payable from the Exchequer." [4]

On April 4, 1687, James issued his first Declaration of Indulgence. In this document his Majesty declared that he thought the best way to make his subjects happy was "by granting to them the free exercise of their religion for the time to come"; and that it was his opinion that "conscience ought not to be constrained, nor people forced in matters of mere religion," and, therefore, he proceeded, "by virtue of our Royal prerogative,"

"We do declare that we will protect and maintain our Archbishops, Bishops, and Clergy, and all other our subjects of the Church of England, in the free exercise of their religion,

[1] Gillow's *Bibliographical Dictionary of English Catholics*, vol. iv. p. 523.
[2] Mackintosh's *History of the Revolution*, vol. i. p. 289.
[3] Dodd's *Church History*, vol. iii. p. 478, edition 1742.
[4] Berington's *Memoirs of Panzani*, p. 366.

as by law established, and in the quiet and full enjoyment of all their possessions, without any molestation or disturbance whatsoever. We do likewise declare that it is our Royal will and pleasure, that from henceforth the execution of all and all manner of Penal Laws in matters ecclesiastical, for not coming to Church, or not receiving the Sacrament, or for any other Nonconformity to the religion established, or for or by reason of the exercise of religion in any manner whatsoever, be immediately suspended, and the further execution of the said Penal Laws, and every of them, is hereby suspended. . . .

"We do hereby further declare that it is our Royal will and pleasure, that the Oaths commonly called the Oaths of Supremacy and Allegiance, and also the several Tests and Declarations mentioned in the Acts of Parliament made in the 25th and 30th year of the reign of our late Royal brother, Charles II., shall not at any time hereafter be required to be taken, declared, or subscribed by any person or persons whatsoever, who is, or shall be, employed in any office or place of trust, either Civil or Military, under us, or in our Government." [1]

On April 27, 1688, James issued his second Declaration of Indulgence, in which he reprinted the first, word for word, and then confirmed it. At first sight all this seems very nice and commendable; but it does not always do to decide from a first appearance. James did not deserve the character for toleration which he claimed for himself. It is a modern Roman Catholic who affirmed that: "His (James') desire for arbitrary power was notorious, and the country did not believe that his zeal for the liberty of conscience was sincere. They believed, *and they believed rightly*, that he demanded more than that which would satisfy the just and obvious necessities of his Church, in order to strengthen his prerogative, and that he was tolerant in order that he might be absolute." [2] The King's claim to be a sincere friend of religious liberty is eloquently and crushingly exposed by Macaulay.

"The Catholics," he writes, "lay under severe restraints in England. James wished to remove those restraints; and therefore he held a language favourable to liberty of conscience.

[1] *State Trials*, vol. iv. pp. 314–315.

[2] Acton's *Lectures on Modern History*, p. 221.

But the whole history of his life proves that this was a mere pretence. . . . We know most certainly that, in 1679, and long after that year, James was a most bloody and remorseless persecutor. After 1679, he was placed at the head of the Government of Scotland. And what had been his conduct in that country? He had hunted down the scattered remnant of the Covenanters with a barbarity of which no other Prince of modern times, Philip II. excepted, had ever shown himself capable. He had indulged himself in the amusement of seeing the torture of the Boot inflicted on the wretched enthusiasts whom persecution had driven to resistance. After his accession, almost his first act was to obtain from the servile Parliament of Scotland a law for inflicting death on preachers at Conventicles held within houses, and on both preachers and hearers at Conventicles held in the open air. . . .

"By what advice again was James guided? Who were the persons in whom he placed the greatest confidence, and who took the warmest interest in his schemes? The Ambassador of France, the Nuncio of Rome, and Father Petrie, the Jesuit. And is not this enough to prove that the establishment of equal toleration was not his plan? Was Louis for toleration? Was the Vatican for toleration? Was the Order of Jesuits for toleration? We know that the liberal professions of James were highly approved by those very Governments, by those very societies, whose theory and practice it notoriously was to keep no faith with heretics, and to give no quarter to heretics. And are we, in order to save James' reputation for sincerity, to believe that all at once those Governments and those societies had changed their nature, had discovered the criminality of all their former conduct, had adopted principles far more liberal than those of Locke, of Leighton, or of Tillotson? Which is the more probable supposition, that the King who had revoked the Edict of Nantes, the Pope under whose sanction the Inquisition was then imprisoning and burning, the Religious Order which, in every controversy in which it had ever been engaged, had called in the aid either of the magistrate or the assassin, should have become as thorough-going friends to religious liberty as Dr. Franklin and Mr. Jefferson, or that a Jesuit-ridden bigot should be induced to dissemble for the good of the Church?"[1]

Towards the close of Elizabeth's Reign, Robert Parsons, the Jesuit, wrote a book entitled, *A Memorial of the Reformation of England*, in which he laid down rules for

[1] Macaulay's *Works*, vol. vi. pp. 114, 116.

a Roman Catholic King. That book remained in MS. until 1690, when it was printed for the first time, edited by the Rev. Dr. Gee, with the title of *The Jesuit's Memorial*. But before this took place an MS. copy had been given to King James for his guidance soon after his accession. The importance of this book can scarcely be overestimated. Father Ethelred Taunton, writing in 1901, states that: "Throughout James' short Reign a careful student can distinctly see traces of the influence of this book; and one can hardly doubt but that, had James succeeded, the whole of the provisions, including the Inquisition 'under another name,' would have been introduced. This is a conclusion based upon a careful comparison between James' action and the principles set forth in Parsons' *Memorial*. It was evidently impossible, under the circumstances existing, to follow in detail all that Parsons had devised. The Reformation would be a matter of time and expediency. *But the principles of that book and James' policy will be found to be identical.*" [1] A book like this, which so widely affected English history during the reign of James II., is well worthy of study from a historical point alone; but additionally so when it is remembered that it has been held up to admiration by English Jesuits of the present generation. They say (through their official organ) that "The main features of his [Parsons'] proposal *are of permanent interest*, not merely as an historical study, but as affording *some valuable suggestions for the guidance of Catholics*, even in circumstances very different from those which the headstrong House of Stuart turned to such ill account." [2]

It may be well, therefore, to look at some of these so-called "*valuable* suggestions." Under the heading of, "How all sorts of People, to wit, Catholics, Schismatics, and heretics, may be dealt withal, at the next change of Religion," Parsons declares that "Known Catholics" "are to be used and employed by the Commonwealth in

[1] Taunton's *History of the Jesuits in England*, p. 445.
[2] The *Month*, October 1889, p. 191.

all principal Charges, Rooms, and offices," [1] which would certainly exclude all Protestants from such high positions in the State. "Obstinate heretics," by whom he evidently means decided Protestants, are to be treated in a characteristically Jesuit manner.

"Perchance," writes Parsons, "it would be good, considering the present state of the Realm, and how generally and deeply it is, and has been, plunged in all kinds of heresies, not to press any man's conscience *at the beginning* for matters of religion, for some *few* years; to the end that every man may more boldly and confidently utter his wounds, and so be cured thereof, which otherwise he would cover, deny, or dissemble to his greater hurt, and more dangerous corruption of the whole body; but yet it may be *provided jointly, that this toleration be only with such as live quietly*, and are desirous to be informed of the truth, *and do not teach, and preach, or seek to infect others*; and by experience it hath been seen that this kind of suffering and bearing *for a time* hath done great good, and eased many difficulties in divers towns rendered up in the Low Countries, which being mitigated at the beginning with this entrance of clemency, never greatly cared for heresy afterwards. Yet do I give notice that my meaning is not any way to persuade hereby that liberty of religion, to live how a man will, should be permitted to any person in any Christian Commonwealth, for any cause or respect whatsoever; from which I am so far off in my judgment and affection, as I think no one thing to be so dangerous, dishonourable, or more offensive to Almighty God in the world than that *any Prince* should permit the Ark of Israel and Dagon, God and the Devil, to stand and be honoured together within his Realm or country. But that which I talk of, is a certain connivance or toleration of magistrates only *for a certain time to be limited*, and with particular conditions and exceptions, *that no meetings, Assemblies, preaching, or perverting of others be used*, but that such as be quiet and modest people, and have never heard, perhaps, the grounds of Catholic religion, may use the freedom of their consciences to ask, learn, and to be instructed *for the space prescribed*, without danger of the law, or of any inquiry to be made upon them to inform themselves of the truth." [2]

So that, according to this Jesuit Plan, from the very first commencement of the Reign of a Roman Catholic King

[1] *The Jesuit's Memorial*, p. 29.

[2] *Ibid.*, pp. 32–34.

and the existence of a Roman Catholic Government in England, the only religious liberty given will be for a limited class of Protestants to think as they conscientiously believe, "for some few years," and that solely in order that they may "be instructed" in the Roman Catholic faith, with a view to their perversion. But even this class are not to be allowed to meet together in "meetings (or) assemblies." They must not preach, and, above all, they must not be guilty of "perverting" Romanists to the Protestant religion. But even this poor, miserable thing, falsely called "toleration," is, from the beginning of Papal rule, to be granted only to those who "are desirous to be informed of the [Roman Catholic] truth, and do not teach, and preach, or seek to infect others" with Protestant opinions.

Parsons proceeds to recommend a number of measures which he thought desirable under the altered circumstances of England, and then goes on to recommend the formation of a "Council of Reformation," and to mention its duties. Its members should be "persons of great sufficiency and respect, and fit for the purpose; as for example, perhaps, the Archbishop of Canterbury, the Bishops of Winchester, London, and Rochester." The principal duties of this Council, consisting, of course, of Roman Catholics only, should include the ecclesiastical revenues of the Church of England, and restoring them to the Church of Rome; and, more important than anything else, the persecution of Protestants, who are known in Parsons' book as "heretics." In fact, the Council was to be the notorious Inquisition, but under a new name to prevent suspicion.

"And," writes Parsons, "for that the name of Inquisition may be somewhat odious and offensive at the beginning, perhaps it would not be amiss to name these men a Council of Reformation, and that their authority might be limited for some certain number of years, as four, five, or six, as it should be thought most convenient and sufficient for the setting up and establishing of the English Church." [1]

[1] *The Jesuit's Memorial*, p. 70.

But, of course, it would never do to allow the Inquisition to die out in the country when the Council of Reformation had completed its task. So it is advised that "Before this Council make an end of their office, or resign the same . . . it would be very much necessary that *they should leave some good and sound manner of Inquisition established* for the conservation of that which they have planted; for that, during the time of their authority, perhaps it would be best to spare the *name* of Inquisition at the first beginning, in so new and green a state of religion as ours must needs be, after so many years of heresy, atheism, and other dissolutions, may chance offend and exasperate more than do good; but afterwards it will be necessary to bring it in, either by that or some other name, as shall be thought most convenient for the time; for that without this care all will slide down and fall again." [1] Parsons thinks that "the form and manner of Inquisition" to be brought in had better be a "mixture" between the Spanish form of Inquisition and that of the Roman Inquisition; that it should execute "the punishment assigned by the Ecclesiastical Canons" for heretics, "and that with resolution," "when the former sweet means by no way will take place." [2] What those "Ecclesiastical" punishments are is well known. They include imprisonment, torture, and death. The late Cardinal Hergenröther declared that: "It only follows from Leo X.'s condemnation of Luther's 33rd Thesis that *it is not contrary to the spirit of Christianity to punish heretics with death by fire.*" [3] But surely this is contrary to the Saviour's command, "Love your enemies." Burning them to death is not the same as loving them.

Parsons tells us—and he evidently himself approved of the idea—that "some are of the opinion that it were good that other [Military Orders] in place of this of Malta, or besides this some other new Order were erected also in

[1] *The Jesuit's Memorial*, pp. 98, 99. [2] *Ibid.*, pp. 99, 100.

[3] Hergenröther's *Catholic Church and Christian State*, vol. ii. p. 309. (London: Burns and Oates, 1876.)

our country of Religious Knights, *and that their Rule might be to fight against heretics*, in whatsoever country they should be employed." [1] No doubt the services of a Military body, whose special work would be to "fight against heretics" of the Protestant type, would be of immense service to the Papacy. They could at any time be called out to do service on the lines adopted in the seventeenth century in France, by means of the Dragonnades, who were quartered wholesale on the unoffending Huguenots, persecuting them in every possible manner, and afterwards slaughtering them wholesale. It would be a bad thing for British Protestants if they were placed at the mercy of an Order of Religious Knights, as named in Parsons' book.

If England once more became a Roman Catholic State, Liberty of the Press would not exist, were Parsons' views realised. He asserts that :—

"Public *and private* Libraries must be searched and examined for books, as also all bookbinder's, stationer's, and bookseller's shops; and not only heretical books and pamphlets, but also prophane, vain, lascivious, and other such hurtful and dangerous poisons, are utterly to be removed, burnt, suppressed, and severe order *and punishment* appointed for such as shall conceal these kinds of writings." [2]

Of course Parliament must be Reformed as well as religion. Parsons thinks that no one's election to Parliament should be confirmed until the Roman Catholic Bishop of the Diocese in which his constituency is situated has judged whether his "virtue and forwardness in religion" proves that he is suited to be a Member of Parliament. The Bishop is to have the power not only (as to those elected), "to confirm their election," but also to have "a negative voice." By this plan the Bishops would have the power to keep out of Parliament every one who displeased them. The Bishop is also to see that elected Members shall make "public profession of their faith before their election could be admitted, or they take their

[1] *The Jesuit's Memorial*, p. 79. [2] *Ibid.*, p. 94.

way towards Parliament." The "faith" must be that of the Church of Rome, for no Protestant must be allowed to defile the House of Commons with his presence there as a Member. When the new and Reformed Parliament begins its work :—

"After the first decree, whether it be a lawful Parliament or no, the second should be, that *every man be sworn to defend the Catholic Roman faith ; and, moreover, that it be made treason for any man to propose anything for change thereof*, or for the introduction of heresy." [1]

"But now, for making of new laws and decrees in our Catholic Parliament, these notes following must be remembered, among others. To abrogate and revoke all laws whatsoever have been made at any time, or by any Prince or Parliament, directly or indirectly in prejudice of the Catholic Roman religion, and to restore and put in full authority again, all old laws that ever were in use in England, in favour of the same, and against heresies and heretics." [2]

"His [the Roman Catholic King's] Temporal Council shall be needful to be made with great choice and deliberation, especially at the beginning in England ; for that if any one person thereof should be either infected with heresy, or justly suspected, or not fervent, nor forward in the Catholic religion, and in the Reformation necessary to be made for good establishment of the same, it would be to the great prejudice of the cause, and of his Majesty and Realm . . . how zealous and jealous ought our new Catholic Prince to be in excluding from his Privy Council, and other places of chief charge and government, not only men known or justly feared to be favourers of heresy or heretics, that will never be secure to God or his Majesty, but also cold and doubtful professors of Catholic religion, until they be proved by long tract of time." [3]

Such is the Jesuit Utopia which Robert Parsons wished to set up in England. As I have already intimated, the scheme had an important influence on English history in the Reign of the Roman Catholic James II., and for that reason alone it has its value as a historical study in Jesuit tactics, proving the hatred of that notorious "Society of Jesus"

[1] *The Jesuit's Memorial*, pp. 104, 105. [2] *Ibid.*, p. 107.
[3] *Ibid.*, pp. 206, 207.

for religious and civil liberty. But it is more than an historical study, for it seems to me that it has an important bearing on Jesuit policy at the present time. Not that for one moment do I believe that that policy will succeed in all its branches, as proposed by Parsons. But short of complete success, it may have disastrous consequences, unless frustrated by the wakeful and watchful Protestants of the United Kingdom. What the English Jesuits of the present generation think of Parsons' Utopia was forcibly expressed in an article which appeared in the official magazine of the Jesuits in England, entitled the *Month*. In its issue for October 1889 appeared a remarkable article on Parsons' book, entitled: "A Jesuit Scheme for the Reformation of England." It was written by the editor, Father R. F. Clarke. According to the Constitutions of the Jesuit Order, no Jesuit is allowed to write anything unless it has passed the censorship of the authorities of the Order, which must therefore be held responsible for the article to which I have just referred. The *Month* mentions that a copy of Parsons' book "was presented to King James [II.] soon after his accession," and it regrets only that he did not make sufficient use of it. "If," it says, "he had followed its directions, his chance of remaining King of England would at least have been far greater, and *the salutary measures it recommends* would have retarded, even if they did not entirely prevent, the rebellion which he had, in a great measure, brought upon himself by his reckless and headstrong obstinacy." What was included in those "*salutary measures*" my readers already know. It is noteworthy that the *Month* carefully abstains from mentioning the intolerant and persecuting portion of those "measures," not through any dislike to them, but, probably, through a dread that their exposure in its pages would not tend to increase the popularity of the Jesuit Order in England in the present generation. But they were evidently included, though not expressly named, in the subjoined extract from its article:—

"Father Parsons' object in his book is not to criticise the past, but to provide such plans for the future that Catholics may avail themselves of them if the occasion offers of restoring the Church in England. He is constructive throughout, and his constructive scheme is not only that of a good and prudent man, but of one who knows by experience the nature of the evils to be met and *the best remedies for them.* He is very practical, and sometimes enters into details into which we shall not attempt to follow him. *But the main features of his proposal are of permanent interest, not merely as a historical study, but as affording some valuable suggestions for the guidance of Catholics, even in circumstances very different from those which the headstrong House of Stuart turned to such ill account.*"

Father Taunton, whom I have already quoted, reveals to the public further particulars of the plans adopted by the Jesuits in the seventeenth century for overcoming so-called heresy in Protestant Kingdoms. He writes :—

"It will be well to take notice of a book published in 1629, *which assuredly influenced the Jesuit policy in the time of James II.* Adam Contzen of the Society, and a Professor at Munich, brought out a large folio : *Politicorum Libri Decem in quibus de perfectæ Reipublicæ forma, virtutibus et vitiis.* We are only concerned with the eighteenth and nineteenth chapters, which treat of *the manner of reducing people to the true religion.* The work is to be accomplished by degrees : the chief heretics and teachers are to be banished, at once, if possible ; and the same methods are to be used which the Calvinists found efficacious against the Lutherans in Germany. These were : secrecy as to the ultimate design, at least as far as the people were concerned ; a pretence of toleration of liberty of conscience on the part of the Prince ; moderation in handing over Churches to the opposite party ; conferences to satisfy objections ; proclamations that neither party should cast aspersions on the other ; pretence of peace ; silence to all remonstrances, while calumny was freely used ; when the moment was ripe for action, all adversaries were to be deposed from their charges, and the Churches bestowed on their opponents ; scholars at the Universities were to be practised on with divers arts, and Professors refused the Royal protection. Other means suggested by the

Jesuit were: that all adverse to the Roman Catholic religion were to be ousted from their honours, dignities, and public offices; strife to be stirred up among the various sects; all secret and all public meetings to be strictly forbidden; and by severe laws and punishments the obstinate were to be compelled to submit. The writer adds: 'It is, I allow, the opinion of some politicians that men are not to be compelled. But those who so advise are in error, and give counsel not only against the safety of religion, but also against the commonweal; since by a wholesome law men may be overruled so that they may not do evil; and a good law will soon reduce such, as being of tender years, are either not at all or very little tainted with heresy. And so, if a compulsory reformation does no good to old men, it will make the younger generation Catholic.' Before marriage, men and women were to give an account of their faith, and to receive instructions; only Catholic baptisms and burials allowed; and while the differences existing between the preachers of error were to be kept up so that they might often confer and wrangle, preferments were to be given to unmannerly men, 'for by that means error will grow into contempt.'

"The methods advocated in this book savour more of worldly intrigue than of the Gospel of Christ; but it accurately represents the prevalent tone. Such were the new methods of propagating Christianity, and in them we find much of the same spirit that Parsons displays in his *Memorial for the Reformation of England*." [1]

Probably no one action of James angered his subjects more than his appointment of Father Petrie, the Jesuit, to the important position of Privy Councillor. Lord Powis, Lord Arundel, Lord Bellasis, the Earl of Sunderland, and Lord Dover—all Roman Catholics—were already members of the Privy Council, and guided the policy of the King in almost everything. The appointment of Petrie was an error of tactics, as many Romanists of the time perceived. "It is difficult," says Lingard, "to describe the astonishment, the vexation, with which the intelligence of this appointment was received by the great body of the people. The enemies of James secretly hailed it as an event most favourable to their wishes: by the Catholics it was deplored as a common calamity. To prevent a

[1] Taunton's *History of the Jesuits in England*, pp. 431, 432.

repetition of their remonstrances, the design had been concealed from their knowledge; and now that the appointment had been publicly announced, it only remained for them to bewail the infatuation of the Monarch, and to await in despair the Revolution which he was preparing by his own precipitancy and imprudence."[1] Roman Catholic opposition may be partly accounted for by the hatred of the Jesuit Order, which has ever been strong in a section of the Roman Catholics; but they did not bemoan the appointment of Petrie so much by itself, as for the consequences they foresaw. There was no Roman Catholic opposition to the appointment of Roman Catholic laymen on the Privy Council. The Revolution which many of them saw coming on was mainly brought on by the King's conduct with regard to his second Declaration of Indulgence. He was determined to compel the clergy to read the Declaration in their Churches, and therefore the following order was published by the Privy Council:—

"At the Court at Whitehall, the 4th of May 1688. It is this day ordered by his Majesty in Council, that his Majesty's late gracious Declaration, bearing date the 27th of April last, be read at the usual time of Divine Service, upon the 20th and 27th of this month, in all Churches and Chapels within the Cities of London and Westminster, and ten miles thereabout; and upon the 3rd and 10th of June next, in all other Churches and Chapels throughout this Kingdom. And it is hereby further ordered, that the Right Reverend the Bishops cause the said Declaration to be sent and distributed throughout their several and respective Dioceses, to be read accordingly."[2]

This order created the most intense excitement throughout the country. Men wondered what the Bishops and clergy would do. The doctrines of the Divine Right of Kings, and of non-resistance to Royal commands, had been so extensively preached by them that the King does not appear to have had a doubt as to their obedience on this

[1] Lingard's *History of England*, vol. xiii. p. 114.
[2] *State Trials*, vol. iv. p. 315.

occasion. But there is a limit to everything human, and in this case the limit was reached. There was not much time for consultation between the date of the order and the day appointed to read the Declaration. The London clergy held a meeting to discuss the question, which resulted in all present signing a paper refusing to read it. This was sent round to the clergy in the Metropolis, with the result that no fewer than eighty-five London Incumbents signed it. This was a good beginning. The London Dissenters took action, and stood by the Protestant clergy most firmly, urging them on no account to obey the order. On May 18 a meeting of Bishops was held in Lambeth Palace. Sancroft, Archbishop of Canterbury, was able to announce to his brethren at this meeting that he had ascertained that eighteen Bishops, and the main body of the clergy, had agreed not to read the Declaration. After serious consideration the Archbishop, and six other Bishops present, drew up a petition to the King, which was signed by them all, in which they told his Majesty that they were averse to distributing and publishing the Declaration, not "from any want of due tenderness to Dissenters, in relation to whom they are willing to come to such a temper as shall be thought fit, when that matter shall be considered and settled in Parliament and Convocation; but amongst many other considerations, from this especially, because this Declaration is founded upon such a Dispensing Power as hath been often declared illegal in Parliament, and particularly in the years 1662 and 1672, and in the beginning of your Majesty's Reign; and is a matter of so great moment and consequence to the whole nation, both in Church and State, that your petitioners cannot in prudence, honour, or conscience, so far make themselves parties to it, as the distribution of it all over the nation, and the solemn publication of it once and again, even in God's House, and in the time of His Divine Service, must amount to, in common and reasonable construction." [1] The Bishops went to the

[1] *State Trials*, vol. iv. p. 346.

King with their petition, excepting Sancroft, who had been forbidden to approach the Court. James expected something different from them, and when he read it he at once showed his anger and disappointment. He declared that it was "a standard of rebellion," and that the Bishops were "trumpeters of sedition"; the fact being that it was the King himself who was in rebellion against the laws of the country. He insisted that he would be obeyed. "I tell you," he exclaimed, "that there are still seven thousand of your Church who have not bowed the knee to Baal." But he was mistaken in this also, as in many other things. In all London only four of the clergy read the Declaration. In two of these cases, the congregations rose and left the building, refusing thus to stop and listen to it. Burnet says that in London only seven of the clergy obeyed the order, "and not above 200 all England over."

On June 8 the Archbishop of Canterbury, and the six Bishops who signed the petition, were summoned before the Council, the King himself being present. Before they left, a warrant was made out committing the seven Bishops to the Tower, on a charge of criminal libel. On their way thither they were accompanied by thousands of sympathisers, asking their blessing, and crying out, "God bless your Lordships!" When their committal was known throughout the country the whole nation was moved as by one common impulse of sympathy with the brave Bishops, whose cause was that of the people. A deputation of ten Nonconformist Ministers visited the Bishops in the Tower to express their sympathy. Sir John Reresby, who was in London at the time, states that the King sent for four of the ten to reprimand them, but their answer was, "that they could not but adhere to the prisoners, as men constant and firm to the Protestant faith"; and, he adds: "What is more extraordinary, the very soldiers that kept guard in the Tower would frequently drink good health to the Bishops; which being understood by Sir Edward Hales,

Constable of the Tower, he sent orders to the Captain of the Guard, to see it was done no more; but the answer he received was, 'that they were doing it at the very instant, and would drink that, and no other health, while the Bishops were there.'"[1] On June 15 the seven Bishops were brought into the King's Bench, when it was found that the only charge brought against them was the petition which they had presented to the King, which was termed "a seditious libel in writing." There is no need for me to report the proceedings, which are fully reported in the *State Trials*. The result was that the jury brought in a unanimous verdict of not guilty, and thereupon the prisoners were discharged. Sir John Reresby states that "Westminster Hall, the Palace Yards, and all the streets about, were thronged with an infinite people, whose loud shouts, and joyful acclamations, upon hearing the Bishops were acquitted, were a very rebellion in noise, though very far from being so in fact or intention. Bonfires were made, not only in the City of London, but in most towns in England, as soon as the news reached them; though there were strict and general orders given out to prevent all such doings; and the clergy preached more loudly and more freely than ever against the errors of the Latin Church."[2]

The trial and acquittal of the seven Bishops sounded the death-knell of James' rule as King. I do not think it necessary, for my purpose, to relate the further steps taken to bring this to pass. The landing of William, Prince of Orange, at Torbay, on November 5, 1688, was hailed with delight by the nation. James' flight was the end of a Reign which had proved a blight on national prosperity. The people were sick and tired of a Popish King. His Reign was an object-lesson which has lasted down till the present time. May God grant that the now United Kingdom may never be cursed in the same way again. Englishmen had at least reason for thankfulness that James' Reign

[1] *Memoirs of Sir John Reresby*, p. 347, edition 1813.
[2] *Ibid.*, p. 348.

was so brief. If it had extended to another twenty years, the probability is that Papal Supremacy would have once more been recognised by an English Parliament. Macaulay rightly estimated the possibilities when he wrote :—

"The Statute Book might declare all Englishmen equally capable of holding office ; but to what end, if all offices were in the gift of a Sovereign resolved not to employ a single heretic ? We firmly believe that not one post in the Government, in the Army, in the Navy, on the Bench, or at the Bar, not one Peerage, nay, not one ecclesiastical benefice in the Royal gift, would have been bestowed on any Protestant of any persuasion. Even while the King had still strong motives to dissemble, he had made a Catholic Dean of Christ Church, and a Catholic President of Magdalene College. There seems to be no doubt that the See of York was kept vacant for another Catholic. If James had been suffered to follow this course for twenty years, every military man from a General to a drummer, every officer of a ship, every Judge, every King's Counsel, every Lord-Lieutenant of a County, every Justice of the Peace, every Ambassador, every Minister of State, every person employed in the Royal Household, in the Custom House, in the Post Office, in the Excise, would have been a Catholic. The Catholics would have had a majority in the House of Lords, even if that majority had been made, as Sunderland threatened, by bestowing Coronets on a whole troop of the Guards. Catholics would have had, we believe, the chief weight even in the Convocation. Every Bishop, every Dean, every holder of a Crown living, every Head of every College which was subject to the Royal power, would have belonged to the Church of Rome. Almost all the places of liberal education would have been under the direction of Catholics. The whole power of licensing books would have been in the hands of Catholics. All this immense mass of power would have been steadily supported by the arms and by the gold of France, and would have descended to an heir whose whole education would

have been conducted with a view to one single end—the complete re-establishment of the Catholic religion. The House of Commons would have been the only legal obstacle. But the rights of a great portion of the electors were at the mercy of the Courts of Law; and the Courts of Law were absolutely dependent on the Crown. We cannot therefore think it altogether impossible that a House might have been packed which would have restored the days of Mary." [1]

[1] Macaulay's *Works*, vol. vi. pp. 118, 119.

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